

# THE CITY OF PARKSVILLE

## BYLAW NO. 1483

*Consolidated for convenience only to include Bylaw No. 1483.1*

### A BYLAW RESPECTING THE LICENCING AND REGULATING OF TRADES, OCCUPATIONS AND BUSINESSES WITHIN IN THE CITY OF PARKSVILLE

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

AND WHEREAS in regulating under the *Community Charter*, Council may, pursuant to Section 15(1) of the *Community Charter*, provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS Council may, pursuant to Section 154 of the *Community Charter*, delegate its power, duties and functions to an Officer or employee of the City, which delegation may, under Section 60(4) of the *Community Charter* include the authority to suspend or cancel a business licence;

AND WHEREAS Council has given notice of its intention to adopt this bylaw by publishing such notice in two consecutive issues of a newspaper, the last publication appearing not less than three (3) and not more than ten (10) days before the hearing and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council at a hearing pursuant to Section 59 of the *Community Charter*.

NOW THEREFORE the Council of the City of Parksville in open meeting assembled hereby enacts as follows:

1. **CITATION**

This bylaw may be cited as City of Parksville "Business Licence Bylaw, 2012, No. 1483".

2. **DEFINITIONS**

In this bylaw, unless the context otherwise requires,

**ACCESSORY CARRIAGE/COACH HOUSE** - means a dwelling unit which is contained in a building separate from a single family dwelling on the same lot and which is intended as a fixed place of accommodation and home life, where payment and occupancy occurs on a monthly or greater duration and excludes any tourist accommodation use.

**AMUSEMENT ARCADE** - means any premises or portion thereof open to the public where the proprietor keeps three (3) or more amusement machines but specifically excludes games room or machines used for betting or gambling purposes.

**AMUSEMENT MACHINE** - means any electrical, manual, video game or other device for the purpose of any game, contest or other form of amusement, operated for the purpose of gain or profit.

**AUCTIONEER** - means any person who by themselves or through an agent occupies premises or trades in the City for temporary periods and who offers for sale goods or merchandise of any description by auction or any other manner whatsoever and whether or not such sale is conducted by themselves or a licenced auctioneer.

**BANK** - means a chartered bank or credit union as defined by the Bank Act of Canada, or other business that accepts money on deposit for custody, subject to cheque or draft, or a business which discounts bills, notes or drafts.

**BED AND BREAKFAST ACCOMMODATION** - the use of rooms within a single family dwelling to provide temporary sleeping accommodation for tourists where the room rate includes breakfast provided on the premises, served before noon and where the maximum length of occupancy by a patron is not more than 30 days in a 12 month period. Food preparation facilities must be approved by the local Health Authority.

**BODY RUB** - includes the manipulating, touching or stimulating by any means, of a person's body, or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licenced or registered under any statute of the Province of British Columbia governing such activities.

**BODY RUB PARLOUR** - includes any premises or part thereof where a body rub is performed, offered or solicited.

**CAMPGROUND** - means the use of land for temporary recreational accommodation by travelling members of the public in tents and recreational vehicles which are not occupied as principal residences.

**CARDLOCK** - means a commercial facility limited to refueling for heavy trucks and the transportation industry.

**CITY** - means the area governed by the City of Parksville including the area of land and water lying within the City's jurisdictional boundaries.

**COMMERCIAL PARKING FACILITY** - means the use of land or buildings for a vehicle parking facility that is operated as a business enterprise by charging a fee for parking.

**COMMUNICATIONS FACILITY** - includes radio, television, computer broadcasting services and any other radio or telecommunication facility, including antenna devices that emit radio waves for commercial purposes, but specifically excludes publishing.

**CONTRACTOR** - means any person, corporation, company, firm or organization engaged in the business of contracting professional services for construction, trades, engineering or design purposes and includes general contractors and subcontractors.

**CONVENIENCE STORE** - means a retail store, which for the local convenience and well-being of the residents of the City remains open for business after 2100 hours (9:00 p.m.) on no fewer than five evenings each week of the year but does not include licenced liquor establishments.

**CORPORATE OFFICER** - means the Director of Administrative Services for the City of Parksville as appointed by Council and assigned responsibilities under Section 148 of the *Community Charter*.

**COUNCIL** - means the elected Mayor and Councillors of the City of Parksville.

**DAY CARE** - means a residential or commercial family day care, group day care, specialized day care, nursery school, child minding, out of school care, established pursuant to the *Community Care Facility Act* and having a maximum capacity of eight (8) children. Said uses on residential property will not have any indication from the exterior that the building is being utilized for any purpose other than residential.

**DIRECT SELLER** - means a person who invites or makes appeals, or requests or importunes by personal contact upon the premises of any resident of the City without specific invitation, business, patronage or support of the said resident including door to door sales.

**ELECTRONIC GAMING** - means any premises or portion thereof open to the public where the proprietor keeps, or the principal activity is, the operation of any automatic, electronic, computerized or mechanical machines used by the public for betting or gambling purposes.

**EMPLOYEE** - means a person who is employed on a full-time, part-time or temporary basis.

**ENTERTAINMENT** - means activities provided for amusement or enjoyment including live acting, vaudeville acts, stage dancing, conjuring, singing, instrumentals, drive-in theatre orchestral music, movies, circus, carnival, animal exhibition or trade fair.

**ENVIRONMENTAL HEALTH OFFICER** - means the Environmental Health Officer duly appointed by the Province of British Columbia for the City of Parksville and includes any Acting or Assistant Environmental Health Officer.

**ESCORT SERVICES** - includes any person carrying on the business of providing or furnishing male or female escorts for social companionship.

**FIRE CHIEF** - means the Fire Chief duly appointed by Council from time to time and shall include the Deputy Fire Chief.

**FOOD CATERER** - means any person who prepares and offers for sale food for consumption at premises other than where that person carries on the business.

**FLOOR AREA** - means the sum total of horizontal area of business premises, contained within a building or buildings.

**FUELING STATION** - means an establishment where fuel is sold at retail and does not provide staff to undertake mechanical repair and other services as offered by a service station.

**GAMES ROOM** - means an area within a recreational building open to the public where the proprietor keeps three (3) or more amusement machines accessory to a miniature golf course but specifically excludes machines used for betting or gambling purposes or an amusement arcade.

**GROUND AREA** - means the area outside a building that is used for display purposes or to service customers, but shall not include those areas set aside exclusively for the purpose of the employees or participants of the business.

**HANDICRAFTS AND ARTS** - means any occupation carried on for consideration using personal skills, is owner operated and is not being carried on from fixed commercial premises; for example: writing, sewing, knitting, teacher of music, singing or dancing, ceramics, painting, sketching, etc.

**HOME BASED BUSINESS** - means an occupation, profession or handicraft conducted as a secondary use to a residential use in accordance with the City of Parksville zoning bylaw and amendments thereto.

**INSURANCE AGENCY** - means carrying on the business of an insurance agent.

**JUNK** - means and includes any used, old or discarded articles or things.

**JUNK DEALER** - means any person who carries on the business of purchasing or selling junk or carries on the business of a junk shop, junk store or junk yard.

**KIOSK** - means a table, stand, wagon or other structure from which merchandise, other than food that requires a food handler's permit, is offered for sale and that is located at an approved site within an enclosed shopping mall, but is not affixed to the site.

**LICENCE INSPECTOR** - means the employee(s) of the City of Parksville so designated from time to time by the Chief Administrative Office.

**LIQUOR PRIMARY ESTABLISHMENT** - means any liquor primary establishment as defined by the *Liquor Control and Licensing Act* and amendments thereto and includes neighbourhood public lounge, bar, tavern, beer parlour, night club or disco but specifically excludes liquor primary club licenced establishments.

**LIQUOR PRIMARY CLUB LICENCE** - means land or buildings used for the meeting, social, or recreational activities of members of a philanthropic, social service, non-profit, athletic, business, fraternal organization or club as defined in the *Liquor Control and Licensing Act* of British Columbia and amendments thereto. Private clubs may include rooms for eating, drinking and general assembly and may hold a Liquor Primary Licence.

**MAIL ORDER** - means and includes a business where orders are taken by any person either on his own behalf or as an agent for another for the sale of goods, wares or merchandise kept in stock for retail sale outside the City, or where such business is carried on in conjunction with the business of a retail or wholesale trader or merchant resident in the City.

**MANUFACTURED/MOBILE HOME** - means a structure constructed primarily in a factory to federal construction and safety standards, is transportable in one or more sections and when erected on site is designed as a principal residence for single family occupancy.

**MANUFACTURED/MOBILE HOME PARK** - means an area of land on which two or more manufactured/mobile homes are located.

**MANUFACTURER** - means any person employed in the processing of raw materials to a finished product.

**MANUFACTURER'S AGENT** - means any person engaged in the business of representing a manufacturer as a sales agent to commercial and industrial businesses.

*Bylaw No. 1483.1 adopted August 18, 2014, added the following definition:*

**MEDICAL MARIHUANA PRODUCTION FACILITY** means any person carrying on the business of the cultivation, production and packaging of medical marihuana wholly within a building, but specifically excludes sales on the premises or medical marihuana research.

*Bylaw No. 1483.1 adopted August 18, 2014, added the following definition:*

**MEDICAL MARIHUANA PRODUCTION AND RESEARCH FACILITY** means any person carrying on the business of the cultivation, production, packaging, and scientific research of medical marihuana wholly within a building, but specifically excludes sales on the premises.

**MESSENGER AND EXPRESS SERVICE** - means any person carrying on the business of delivering or collecting messages or packages or any form of goods or things or doing errands for the public for gain or profit.

**MINIATURE GOLF COURSE** - means a facility for a novelty version of the game of golf played with golf balls and putters on a small-scale course or courses that feature whimsical obstacles as part of game play

**MONEY STORE** - means any person carrying on the business of cashing cheques for a fee, making pay day or short terms loans, or money wiring services, but is not a bank.

**OFFICER IN CHARGE** - means the Officer in Charge or his Deputy of the RCMP Detachment serving the City.

**OUTDOOR STORAGE AREA** - means and includes any outdoor area adjacent to or forming part of any business premises, but shall not include the portion of any area set aside for free parking facilities provided by the owner or operator of the business for the exclusive use of customers.

**PARKING LOT** - means any business of the rental or lease of parking spaces for automobiles, motor cars or motor vehicles.

**PAWNBROKER** - means a person who loans money on deposit or pledge of personal property, on the condition of selling the ware back at a stipulated price, or exhibits a sign "Money to loan on personal property on deposit or pledge" or a sign with words to similar effect.

**PEDDLER** - means a person who sells or offers for sale goods, wares, merchandise, foodstuff or other article or thing to be immediately provided to the customer, but specifically excludes the delivery or items where the order has been placed in advance by the customer.

**PERSON** - has the meaning ascribed to it by the Interpretation Act.

**PERSONAL CARE FACILITY** - "adult nursing home" means a community care facility as defined by the Community Care Facility Act that provides personal care to three (3) or more adults.

**PERSONAL SERVICE ESTABLISHMENT** - means a barber shop, beauty parlour, suntan studio, tattoo parlour, manicure parlour or other establishment that provides personal grooming services.

**PREMISES** - shall include store, studio, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied by any person for the purpose of any business, trade, service or occupation and shall also mean any area situated within any of the foregoing where more than one separate and distinct class or classification of business is also carried on.

**PROFESSIONAL** - includes a person practising any profession governed by federal or provincial statutes including but not limited to:

Accountant, Agrolgist, Appraiser, Architect, Auctioneer, Business Consultant, Broker, Chiropractor, Consultant, Dentist, Dental Surgeon, Designer or Drafter, Engineer, Medical Specialist, Medical Doctor, Registered Massage Therapist, Notary Public, Optician, Pharmacist, Physiotherapist, Planner, Physician, Psychiatrist, Psychologist, Solicitor/Barrister, Surveyor, Veterinarian.

**REAL ESTATE AGENT/AGENCY** - means carrying on the business of a realtor or real estate agency.

**RESIDENTIAL RENTAL ACCOMMODATION** - means any building or premises not being a hotel, motel or rooming house, and which is divided into not less than three dwelling units, occupied or equipped to be occupied as rental accommodation for a monthly or greater duration, but specifically excludes tourist accommodation and bed and breakfast uses.

**RESTAURANT** - means any dining lounge, coffee shop, coffee counter, tea room, ice cream parlour, eat-in or take-out establishment, or any other place without a drive through component in a permanent, fixed location principally within a building in which prepared foods and/or beverages are prepared for consumption on or off the premises, in exchange for money or services.

**RESTAURANT - FAST FOOD** - means a restaurant located principally within a building with a drive-through or with limited seating, for take-out or drive-in services.

**RETAIL TRADE** - means every business that sells or offers for sale to any other person by retail, any goods, wares, merchandise or other commodity.

**SALES AGENT** - means a person who sells, solicits, offers for sale or takes orders for:

- (i) Any goods, wares, foodstuff or other thing to be afterwards delivered to the customer; or
- (ii) Any service to be afterwards performed at the customer's premises or elsewhere.

but excludes a Direct Seller.

**SECOND HAND DEALER** - shall be held and construed to mean and include every person licenced under the provisions of this bylaw to keep a second hand store or shop or to carry on the trade or business of a dealer in second hand (used) goods, wares, merchandise or effects of any description.

**SECONDARY SUITE** - means an accessory residential unit contained within a single family dwelling.

**SECURITY SERVICE AND PATROL** - means any person who, by contract or agreement, undertakes to watch or patrol the premises of more than one person for the purposes of guarding and protecting person and/or property against robbery, theft, burglary or other hazards.

**SERVICE STATION** - means an establishment used for the dispensing of fuel and/or for servicing of motor vehicles and the sale of motor vehicle accessories from a building or structure on the same site containing at least one (1) fully equipped and operating service bay capable of handling motor vehicles and providing oil changes, lubrications, tune-ups and other similar repairs and services.

**SHOPPING CENTRE ADMINISTRATION** - means a business that manages and rents premises for two or more independent retail stores or services located on a parcel of land.

**SPECIAL EVENT** - means a temporary extraordinary event which operates for one to seven days or seasonally such as a summer festival or weekly market and includes farmer's markets, craft fairs, bake sales, trade shows, auctions or other gathering of people at a temporary location for selling, offering for sale, bartering, demonstrating or buying goods or services.

**SPECIALTY FOOD VENDOR** - means a self-contained vehicle designed for the purpose of food and beverage preparation and sales for take away consumption.

**TOURIST ACCOMMODATION** - means any building or property containing three (3) or more rental dwelling or sleeping units, including a motel, hotel, resort or other temporary accommodation premises for use by the travelling public, but excludes campgrounds.

**TRANSIENT PEDDLER** - means any person who, being an agent for any non-resident manufacturer or dealer, sells any goods, wares or merchandise in the City, or who offers the same for sale by sample or description or otherwise for or on account of any merchant or other person selling direct to the consumer and not having a principal place of business within the City. Any commercial traveller or canvasser, whether acting by himself or herself or as an agent for any firm or corporation, who takes orders for any goods or for any finished article whatsoever to be delivered to the consumer, and which are to be manufactured, made or completed in some place outside the City or province by any merchant or manufacturer or other person not having his or her principal place of business within the City, shall be deemed to be a transient peddler.

**VEHICLE** - means any device in, on or by which a person or thing can be transported.

**VEHICLE DEALER** - means a person who carries on the business of displaying for sale, selling, or renting motor vehicles including cars, trucks, suvs, vans, motorcycles, mopeds, boats, recreation vehicles, recreation trailers, related accessories and may include vehicle repairs.

**VEHICLE DRIVER SERVICES** - includes a person who carries on the business of driving a vehicle whether owned by a private individual, company or person for the purpose of transporting individual(s) for compensation.

**VENDING MACHINE** - means any machine or device operated by the insertion of any slug or coin for the purpose of selling or disposing of any goods, wares, merchandise or articles or for the purpose of providing music, games, amusement or service of any kind but shall not mean or include any machine or device that is controlled by the Criminal Code of Canada, which emits or gives out there from any coin, disc, token or slug, either with or without the accompaniment of any goods, wares, merchandise or articles or of any premium whatsoever, or any machine or device, wherein by operation as aforesaid, any numerals, signs, pictures of figures, or any combination thereof are displayed or result from the playing or operation of any such machine or device but specifically excludes amusement machine or gaming machine.

### 3. LICENCE REQUIRED

1. Every person following, practicing, carrying on, maintaining, or owning within the City, any trade, business, calling, occupation, employment, undertaking or thing classified, enumerated, described, named or set forth in Schedule "A" attached hereto and forming part of this bylaw, shall take out and maintain a licence paying in advance for such licence the sum as specified.
2. All applications for licences under this bylaw shall be made to the Licence Inspector on an application form provided for that purpose and therein the applicant shall make a true and correct statement in writing:
  - Disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking or thing to be carried on, maintained, owned or operated by the applicant;
  - Declaring the address of such profession, business, trade, occupation, calling, undertaking or thing;



- Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
  - Disclosing the number of distinctive lines of goods sold or offered for sale;
  - Specifying the business floor area dedicated to the purpose of such profession, business, trade, occupation, calling, undertaking or thing; and
  - Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the inspector may require.
3. The application form shall be delivered to the Licence Inspector and shall be accompanied by the prescribed fee according to the classification of such business as approved by the Licence Inspector.
  4. Every person who carries on, maintains, owns or operates, within the municipality, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premise or store, shall obtain a separate licence for each branch, office, place, premise or store.
  5. Every licence issued under this bylaw shall be provided to the person or corporation licenced or their authorized agent and the Licence Inspector shall retain a copy. The licensee shall post the said licence and keep the same posted in a conspicuous place on the premises, or on the thing or article in respect of which the licence is issued. Anyone failing to post up and keep same posted as aforesaid, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.
  6. Every person required to be licenced under the provisions of this bylaw is required to pay for such licence in advance of the due date shown on the licence and all licence renewal fees are due and payable on January 1<sup>st</sup> in any year.
  7. Unless otherwise specified herein all licences granted under this bylaw shall be for the current calendar year and shall expire on the 31<sup>st</sup> day of December next succeeding the date of issue of same.
  8. For any person who becomes liable to be licenced after the 30<sup>th</sup> day of June in any year, the fee shall be reduced by one-half the annual licence fee.  
  
The provision in this subsection shall only apply to the first licence issued to any specific business.
  9. Every person holding or required to hold a licence under the provisions of this bylaw shall be subject to the provisions of this bylaw and non-compliance with any of the said provisions shall be deemed to be an infraction of the same and shall render any person violating or failing to comply with any of the said provisions hereof, liable to the penalties herein imposed.

**4. TRANSFER OF LICENCE**

1. Except as set forth in this section, every licence shall be considered as a personal licence to the licensee therein named and shall not be transferrable to any other person.
2. Any person desiring to obtain a transfer of any licence, or part interest in any licence, held under this bylaw by any other person, shall make an application in every material respect the same as that required to obtain a licence as set forth in the last preceding section; and that the powers, conditions, requirements and procedure therein contained, relating to the granting and refusal of licences and appeals thereon, shall apply to all such applications.
3. Any person who shall purchase the interest of or part of the interest of, any person licenced under this bylaw in any business, trade, occupation or calling in respect of which a licence has been issued under the provisions of this bylaw, and shall carry on or continue such business, trade, occupation, or calling, without first having obtained a transfer of licence or a new licence, shall be guilty of an infraction of this bylaw and shall be liable to the penalties hereby imposed.
4. No person to whom a licence has been granted under this bylaw shall change the location of the premises in which he carries on his business, trade, occupation or calling without first having applied to the Licence Inspector in writing to have his licence altered in respect to the location of the premises set out therein; and the powers, conditions, requirements and procedure herein-before set out, relating to the granting and refusal of licences shall apply to all such applications.
5. It shall be unlawful for any person licenced under this bylaw to transfer, sell or in any way dispose of his licence to any other person without having first notified the Inspector of the following:
  - a) Any person, before changing his place of business, shall obtain a transfer of his licence;
  - b) The fee for a transfer of licence under this section is fifty dollars (\$50).

**5. TRANSFER OF OWNERSHIP**

1. No person who purchases the interest of any person licenced pursuant to this bylaw shall carry on or continue such business without first making application for a new licence pursuant to the requirements of Section 3 of this bylaw. The fee for such licence shall be as specified in Schedule "A" of this bylaw but may be pro-rated as provided under Section 3(8). Where the change of ownership results from the purchase of the shares of a limited or incorporated company and the business is to be continued under the same name or trade style, a new licence will not be required but a signed licence application must be completed prior to continuance of the said business.

2. A limited or incorporated company making a change in the operating name of the business, where all other aspects of the business licence remain the same, may obtain a transfer of their licence to the new name. A signed licence application must be completed prior to continuance of business in the new name.

6. **DUTIES OF A LICENCE INSPECTOR**

1. The Council does hereby delegate to the Chief Administrative Officer the authority to designate a City employee or employees as "Licence Inspector" whose duty it will be to carry out and enforce the provisions of this bylaw.
2. The Council does hereby delegate to the Licence Inspector the power to grant, issue, transfer and suspend licences as herein provided.
3. The Licence Inspector shall grant a licence when he is satisfied the applicant has complied with the requirements of all the bylaws of the City regulating building, zoning, health, sanitation and business and applicable provincial licencing or certification requirements.
4. Before a licence is issued, letters of approval or certificates of approval shall be submitted to the Licence Inspector upon request.
5. The Licence Inspector may classify professions, businesses, trades, occupations, callings, undertakings or things, according to the type of profession, business, trade, occupation, calling, undertaking or thing and may further classify each type of profession, business, trade, occupation, calling, undertaking or thing, according to the extent of the profession, business, trade, occupation, calling, undertaking or thing, on the basis of the following factors or on the basis of any combination of the following factors:
  - (i) The floor area used for the carrying on of the profession, business, trade, occupation, calling, undertaking or thing;
  - (ii) The number of people regularly engaged in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing;
  - (iii) The number of vending or other dispensing machines or other machines, appliances or things used in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing;
  - (iv) The number of rental units maintained in the carrying on of the profession, business, trade, occupation, calling, undertaking or thing;
  - (v) Appropriate BC Building Code classification for the intended use.
6. Where the Licence Inspector has classified a profession, business, trade, occupation, calling, undertaking or thing and has issued a licence classified as to the extent of the profession, business, trade, occupation, calling, undertaking or thing, no person shall change the extent of the profession, business, trade, occupation, calling, undertaking or thing without first making an application in every material respect the same as that required to obtain a

licence as set forth in Section 3 of this bylaw; and the powers, conditions, requirements and procedures therein contained relating to the granting and refusal of licences and appeals thereon shall apply to all such applications.

7. The Licence Inspector is hereby authorized to interpret the wording of an application where such wording is not concurrent with the interpretations and the classifications stated herein.
8. The Licence Inspector has the authority to suspend any licence for the period he decides if its holder:
  - a) Is convicted of any offence under any municipal bylaw or statute of the province in respect of the business for which he is licenced or with respect to the premises named in the licence;
  - b) Has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in the licence, that it warrants the suspension of the licence;
  - c) Has ceased to meet the lawful requirements to carry on the business for which he is licenced or with respect to the premises named in the licence.
9. A person whose licence has been suspended under subsection 8 herein may appeal, in writing, to the Council, which may on the appeal confirm or set aside the suspension on the terms it thinks fit.

**7. SPECIAL EVENT BUSINESS LICENCE INSURANCE REQUIREMENTS**

1. A licence in respect of a theatre, including drive-in theatre, amusement hall or other entertainment venue or exhibition may be for six months, three months, one month, or one day and the period requested shall be by written application in accordance with the provisions set out in this bylaw.
2. An application for a licence in accordance with this Section for a period of one to four days shall be charged a business licence daily rate as set out in Appendix A to this bylaw; for a period of five or more days the Special Event Business Licence rate as set out in Appendix A of this bylaw shall apply.
3. Before a licence shall be granted to any person for the purpose of holding or exhibiting within the City any circus, menagerie, show, carnival, or festival with or without ferris wheels, merry-go-rounds or other similar devices, such person shall at his own cost and expense obtain and maintain in force for as long as the said circus, menagerie, show or carnival remains within the City, in an Insurance Company authorized and licenced to carry on business and having an office in the Province of British Columbia, and in a policy of insurance acceptable to and approved in writing by the City the following insurance with

limits on an occurrence basis not less than those shown in respective items following:

- a) Comprehensive Public Liability Insurance and Property Damage Insurance providing coverage up to five million dollars (\$5,000,000.00) inclusive against liability for bodily injury or death and/or damage to property on an all risk occurrence basis;
  - b) In all policies of insurance the City shall be named as an additional insured. Such insurance shall contain a Cross Liability Endorsement stating that in the event of bodily injury, sickness or disease, including death, at any time resulting therefrom, or damage or destruction of property belonging to any one of the insured for which another insured is or may be held liable, then this policy shall cover such insured against whom claim is made or may be made the same as if separate policies had been issued for each insured, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would be liable if there had been only one name insured;
  - c) All policies shall provide that no cancellation, expiration or material change in the policy shall become effective until after thirty (30) days' notice of such cancellation, expiration or change shall have been given to the City by return registered mail.
4. A current valid operating permit pursuant to the British Columbia Safety Standards Act and the Elevating Devices Safety Regulation, including an inspection certificate from an accredited professional engineer shall be submitted to the Licence Inspector before a licence shall be granted for a carnival or circus that includes ferris wheels, merry-go-rounds or other similar devices or midway rides. The inspection certificate shall state in precise terms that all machines, rides or equipment used by the public conform to the acceptable standards and such certificates shall be submitted every seven (7) days during the term of licence or as directed by the Licence Inspector.
  5. A cash bond of one thousand dollars (\$1,000.00) shall be deposited with the Director of Finance and such bond or part thereof shall be forfeited to the City to pay for any damages or the cost of any clean-up required during or after the terms of the licence. Such bond or part thereof shall be returned by the Director of Finance upon notification by the Licence Inspector that all conditions regarding damages and clean-up are satisfactory.

**8. DIRECT SELLING AND/OR DOOR TO DOOR SOLICITATION**

1. No person shall canvass or solicit business on any street in the City from vehicles or in any other manner whatsoever, for the sale of any items, samples, goods, wares or merchandise or any article or thing for future delivery.

2. No person, without prior instructions from the owner or occupier of the premises, shall attend upon or canvass or solicit at any residential premises for the sale of security services, home repairs or alterations.
3. No person shall sell any goods whatsoever from out of any vehicle or conveyance on any street or road within the City. Such selling may be undertaken only from private or designated public property and with the prior approval and knowledge of the owner. This approval in no way releases such person from other requirements of this bylaw.
4. As an exception to subsection 3 above, Specialty Food Vendor vehicles, where permitted under zoning, may be allowed to operate from private property or designated public property with the prior knowledge and approval of the owner and subject to the issuance of relevant City authorizations, such as a Special Event Permit, where required.
5. The soliciting or sales of any article, commodity or thing, or soliciting of any service or contract service, or the soliciting of any agreement or promise that will lead to any service or contract for service, or the sale of any article, commodity or thing shall require a business licence issued under the provisions of this bylaw.
6. Every licence to solicit shall be a personal licence to the applicant and is not transferable.
7. No person may apply for a licence to solicit on behalf of any other person.
8. Soliciting within the City between the hours of 9:00 p.m. and 9:00 a.m. is not permitted except by special permission of Council.
9. Private personal sales between individuals and garage and yard type sales are excluded from the requirements of this section.
10. Appeals made by churches, similar religious organizations and other not-for-profit organizations where such appeals are made solely and exclusively during a door to door campaign are excluded from the provisions of this bylaw section.

9. PEDDLERS

1. Every peddler, when plying his trade and selling or offering for sale to the public any commodity which is sold by weight or measure, shall have and use a lawful scale of measure capable of weighing or measuring accurately any commodity sold by him.
2. No peddler shall ply or carry on his trade between the hours of 9:00 p.m. and 9:00 a.m.

3. Every peddler, engaged in carrying on such business or trade must carry their business licence and must produce it to the Licence Inspector, a police officer or a customer upon request.

## 10. RESTAURANTS

1. Every person intending to operate a restaurant, lunch counter, tea room, ice cream parlour or coffee shop, shall file a written application in duplicate with the Inspector for a licence in respect of the premises in which it is intended to operate such a restaurant, lunch counter, tea room, ice cream parlour or coffee shop and such application shall contain the following information:
  - a) The name, occupation and full address of the applicant;
  - b) The nature of the licence applied for;
  - c) The address of the premises where it is intended to operate the restaurant;
  - d) The maximum floor area available;
  - e) If service is provided for persons in motor vehicles, the number of vehicles for which parking space is provided shall also be stated.
2. Upon receipt of the application referred to in subsection (a) the Inspector shall forward one copy of the said application to the Environmental Health Officer who shall inspect the premises where the restaurant, lunch counter, tea room or coffee shop is to be operated and report thereon, and no licence shall be granted by the Inspector until he has received a report from the Medical Health Officer approving of the granting of the said licence.

## 11. ARCADES

1. Every owner or operator of an Arcade shall:
  - a) Post and keep posted at all times at every entrance to its business premises a clearly visible and legible sign, not less than 21.51 centimetres (8½ inches) by 27.83 centimetres (11 inches) in dimension, containing the words 'No Loitering';
  - b) Maintain within the business premises a waiting area having not less than eight seats;
  - c) During business hours ensure that not less than one employee of the business is present at all times on its business premises.
2. No owner or operator of an Arcade shall:
  - a) Employ or engage any person on its business premises unless that person is nineteen (19) years of age or older;

- b) Carry on business between the hours of 12:00 midnight and 7:00 a.m.;
- c) Permit any customer or patron to be on its business premises between the hours of 12:00 midnight and 7:00 a.m.

**12. SECURITY AND PATROL LICENCE**

1. Every person carrying on the business of watching, guarding or patrolling for the protection of persons or property or as a private investigator shall be required to hold a licence as set forth in the Private Investigators and Security Agencies Act of the Province of British Columbia and amendments thereto.
2. Every person carrying on the business of watching, guarding or patrolling for the protection of persons or property shall supply the Officer in Charge with the name, age, address and description of all persons employed by him and such other information as the Staff Sergeant may require.
3. No person carrying on the business described in subsection 2 hereof shall wear a uniform without first having obtained the written approval of the Officer in Charge.
4. The operator of, and every person employed by a person carrying on business as described in subsection 2 hereof shall secure at his own expense an identification card approved by the Officer in Charge. Such card shall be carried by such operator or employee at all times while performing any duties on behalf of himself or his employer.
5. No person in the employ of a person carrying on a business as described in subsection 2 hereof, shall carry any gun, revolver or other firearm without proper permit therefore issued by the Officer in Charge under the Canadian Criminal Code.
6. All persons carrying on the business as described in subsection 2 hereof, shall file with the Officer in Charge a list of owners or occupants of all premises which he has agreed to guard or patrol and shall furnish a supplementary report each month of any additions to or deletions from such a list. Such supplementary report shall be filed with the Officer in Charge on or before the 10<sup>th</sup> day of the month following the month to which the supplementary report refers.
7. No person carrying on the business as described in subsection 2 hereof, or employee of the said business shall wear, carry or exhibit any form of badge or insignia that has not been approved by the Officer in Charge.
8. The use of attack or guard dogs by persons licenced in subsection 2 hereof shall be restricted to those persons having successfully completed an accredited training program with such dog in his company unless such dog is held at all times on a leash capable of restraining the dog and such leash shall not exceed 6 metres (19.7 feet) in length.



9. Public liability insurance of five million dollars (\$5,000,000.00) shall be obtained by persons licenced under subsection 2 hereof and proof of such insurance must be deposited with the Licence Inspector at the time of renewal of each licence.

**13. SPECIALTY FOOD VENDOR**

1. Upon receipt of the business licence application the Licence Inspector shall forward one copy of the said application to the Environmental Health Officer and no licence shall be granted by the Licence Inspector until he has received a report from the Environmental Health Officer approving of the granting of the said licence.
2. A Specialty Food Vendor vehicle shall be self-contained and capable of providing its own source of water, waste disposal and recycling and where a generator is required it shall be rated by the manufacturer to a maximum noise level of 60 decibels.
3. A Specialty Food Vendor vehicle must be removed at the end of the business day and shall not remain overnight at the business location.

**14. ESCORT SERVICES**

1. An Escort Service must operate only within commercial zones and in accordance with the City of Parksville zoning bylaw.
2. Every applicant for a licence to operate as an Escort Service shall include in the application the trade name or names under which such business will operate and advertise.
3. Every person who intends to operate or advertise an Escort Service under a trade name other than that specified in the application for a licence shall notify the Licence Inspector in writing of the intended trade name at least fourteen (14) days prior to its use.
4. No person carrying on the business of an Escort Service shall offer the services or name of any escort, or introduce customers or potential customers to any escort unless that escort is at least 19 years old.
5. No person carrying on the business of an Escort Service shall offer the services to any person under the age of 19 years old.
6. At all times during which the premises specified in the licence application as the place of basis of business of the Escort Service are open for business, the operator or a licensee or employee shall be present on the premises.
7. Every person carrying on the business of an Escort Service shall:

- (a) Maintain on the premises a list of all current employees and all customers; and
- (b) Upon request make such list available for inspection by the Officer in Charge, RCMP.

**15. BODY RUB PARLOUR**

1. A Body Rub Parlour must operate only within commercial zones and in accordance with the City of Parksville zoning bylaw.
2. Every applicant for a licence to operate a Body Rub Parlour must provide the Licence Inspector with the name, age, date of birth, current address and picture identification of each person proposed to be employed or engaged in such business, together with any additional information which the Licence Inspector may require.
3. No person carrying on the business of a Body Rub Parlour shall offer the services or name of any employee, or introduce customers or potential customers to any employee unless that employee is at least 19 years old.
4. No person carrying on the business of a Body Rub Parlour shall offer the services to any person under the age of 19 years old.
5. At all times during which the premises specified in the licence application as the place of business of the Body Rub Parlour are open for business the operator or an employee shall be present on the premises.

*Bylaw No. 1483.1 adopted August 18, 2014, renumbered sections 16, 17 and 18 to sections 17, 18 and 19 respectively and any references thereto and also added the following as section 16:*

**16. MEDICAL MARIHUANA PRODUCTION FACILITY / MEDICAL MARIHUANA PRODUCTION AND RESEARCH FACILITY**

1. Must operate only in those zones where permitted and must be conducted in accordance with the provision of the zoning bylaw or bylaws in effect within the City of Parksville.
2. Must operate under a valid licence issued by Health Canada under the Marihuana for Medical Purposes Regulations (MMPR), and any subsequent regulations or acts which may be enacted henceforth.
3. Every applicant for a licence to operate as a Medical Marihuana Production Facility or Medical Marihuana Production and Research Facility shall include in the application the trade name or names under which such business will operate and advertise.

4. Every person who intends to operate or advertise a Medical Marihuana Production Facility or Medical Marihuana Production and Research Facility under a trade name other than that specified in the application for a licence shall notify the Licence Inspector in writing of the intended trade name at least fourteen (14) days prior to its use.
5. Must be operated within a building that meets the British Columbia Building Code of the occupancy category of the use or where applicable the National Building Code of Canada for farm buildings.
6. Must be operated within a building that is in compliance with the British Columbia Electrical Code.

**17. OTHER PROVISIONS**

1. Notwithstanding anything to the contrary herein contained when any business, occupation or calling is licenced and regulated, or licenced under a special bylaw of the City the regulations and/or licence fees to be paid to the City shall be those provided for in the special bylaw.
2. Schedule "A" is read into this bylaw as forming a part thereof.
3. The Council may, by the unanimous vote of all the members present at any lawful meeting thereof, refuse in any particular case to grant the request of the applicant for a licence or a renewal thereof under this bylaw, but the granting or renewal of a licence shall not be unreasonably refused.
4. The provisions of this bylaw shall not apply to commercial travellers who sell goods, merchandise or any effects whatsoever or offer the same for sale to bona fide merchants, either wholesale or retail, within the City for resale by such merchants in the ordinary course of their respective businesses.

**18. OFFENSES AND PENALTIES**

1. Where a person fails to obtain the renewal of a licence and pay therefore the fee specified in Schedule "A" within thirty days of the expiration of that licence, that person shall pay in addition to the fee specified in Schedule "A" an additional fee of fifty dollars (\$50.00) for each of:
  - a) The first thirty day period or part thereof;
  - b) The next thirty day period or part thereof; and
  - c) The next thirty day period or part thereof;that the person carries on business without a licence.
2. In every case where the trade, occupation, profession or business set in Schedule "A" hereof is carried on, followed or practised by two or more persons in partnership, it shall be deemed a sufficient compliance with this bylaw if

one licence is taken out in the name of the partnership firm and one licence fee paid therefor.

3. The Council does hereby delegate to the Licence Inspector the power to suspend for such period as he may determine any licence granted pursuant to this bylaw if the holder of the licence:
  - a) Is convicted of an offence indictable in Canada;
  - b) Is convicted of any offence under any City bylaw or statute of the province in respect of the business for which he is licenced or with respect to the premises named in his licence;
  - c) Has, in the opinion of such official, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his licence as to warrant the suspension of his licence;
  - d) Has, in the opinion of such official, ceased to meet the lawful requirements to carry on the business for which he is licenced or with respect to the premises named in his licence.
4. The suspension of a licence by the Licence Inspector shall be made in writing, signed by the Licence Inspector and served on the person holding such licence or delivered to the holder of such licence by registered mail to the address given by the licensee on the application for the licence form. A notice of suspension may be posted by the Licence Inspector upon such premises for which the licence was issued and such notice shall not be removed until the licence is reinstated or the suspended licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started on the premises.
5. Any person whose licence has been suspended under subsection 3 may appeal to the Council, in writing and upon such appeal, the Council may confirm or may set aside such suspension on such terms as it may think fit.
6. Every person to whom a licence has been granted under this or any other bylaw for the purpose of carrying on any trade, calling or business shall permit the Licence Inspector, or any other person duly authorized in that behalf, or any police officer, to inspect any house, place, premises, vehicle or thing in respect of which such licence has been granted.

The Licence Inspector may apply to any person on such premises for such information as will enable the Inspector to determine whether or not such person is or is not required to hold a licence pursuant to the provisions of this bylaw and as to whether the provisions of this bylaw are being carried out. It shall be the duty of every such person to deliver to the Licence Inspector a statement in writing containing the information applied for.

Any person who shall refuse to allow the Licence Inspector or any other person duly authorized in that behalf, or any police officer to inspect such house,

place or premises, vehicle, or thing or provide information as requested, shall be guilty of an infraction of this bylaw and liable to the penalties thereof.

7. Any person who contravenes, suffers or permits anything to be done in contravention of any of the provisions of this bylaw or any permit issued under this bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding ten thousand dollars (\$10,000.00).

**19. REPEAL AND SEVERABILITY**

1. City of Parksville "Business Licence Bylaw, 1991, No. 1079" and all amendments thereto are hereby repealed.
2. If any section, paragraph or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

READ A FIRST TIME this 19<sup>th</sup> day of November, 2012

READ A SECOND TIME this 19<sup>th</sup> day of November, 2012

READ A THIRD TIME this 19<sup>th</sup> day of November, 2012

RECONSIDERED AND FINALLY ADOPTED this 3<sup>rd</sup> day of December, 2012

Original Signed by Chris Burger

Mayor

Original Signed by Debbie Comis

Corporate Officer

Consolidated under the provisions of the *Community Charter* to include Bylaw 1483.1. Printed under the authority of the Deputy Corporate Officer of the City of Parksville this 19<sup>th</sup> day of August, 2014.

Original signed by Amanda Weeks

Deputy Corporate Officer

**SCHEDULE "A"**

*Bylaw No. 1483.1 adopted August 18, 2014, added the MEDICAL MARIHUANA FACILITY category and fee to Schedule "A"*

TYPE OF BUSINESS	FEE (PER YEAR, unless otherwise specified)
<b>ACCOMMODATIONS</b>	
Bed & Breakfast	\$50.00
Camping Ground	\$25.00 PER UNIT to a maximum \$500.00/year
Tourist Accommodation	\$25.00 PER UNIT to a maximum \$500.00/year
Personal Care Facility	\$150.00
Rental Units - the business of offering for rent or lease accommodations in an apartment dwelling, boarding-house or other multi-family dwelling	\$25.00 PER UNIT to a maximum \$500.00/year
Secondary Suite or Carriage House	\$50.00
Trailer/Mobile Home Park	\$25.00 PER UNIT to a maximum \$500.00/year
<b>COMPANIONSHIP &amp; PERSONAL</b>	
Body Rub Parlour	\$2,000.00
Escort Agency	\$2,000.00
<b>ENTERTAINMENT</b>	
Amusement Arcade	\$150.00
Electronic Gaming	\$150.00
Entertainment - Animal Exhibition	\$500.00 PER EVENT
Carnival	\$500.00 PER EVENT
Circus	\$500.00 PER EVENT
Live Theatre	\$150.00
Movie Theatre	\$150.00
Concerts	\$150.00
Bowling	\$150.00
Mini-Golf	\$150.00
Special Event Daily Rate (per day for one to four days)	\$35.00 PER DAY
Special Event Business Licence (five or more days)	\$150.00

TYPE OF BUSINESS	FEE (PER YEAR, unless otherwise specified)
<b>FINANCIAL</b>	
Bank	\$500
Money Store	\$300
Miscellaneous Financial Services not otherwise listed	\$150.00
<b>FOOD &amp; BEVERAGE</b>	
Cold Beer, Wine and Liquor Retail Outlets	\$150.00
Fast Food Outlet	\$150.00
Food Caterer	\$150.00
Liquor Primary - Club Licence	\$150.00
Lounge - Liquor Primary Establishment excluding Club Licences	\$300.00
Restaurant	\$150.00
Specialty Food Vendor	\$150.00
<b>MEDICAL MARIHUANA FACILITY</b>	
Medical Marihuana Production Facility	\$500.00
Medical Marihuana Production and Research Facility	\$500.00
<b>MISCELLANEOUS</b>	
Auctioneer	\$150.00
Communications Facility	\$150.00
Contractor	\$150.00
Day Care	\$150.00
Direct Seller	\$150.00
General Business Not Otherwise Listed	\$150.00
Handicrafts and Arts	\$75.00
Home Based Business	\$75.00
Insurance Agency	\$150.00
Mail Order	\$150.00
Manufacturer	\$150.00
Messenger/Express Service/Courier	\$150.00
Parking Lot	\$150.00
Peddler	\$150.00
Personal Service Establishments	\$150.00
Professional Occupations	\$150.00
Publishing, Advertising, Radio, Television	\$150.00
Real Estate Agency	\$150.00
Security Service and Patrol	\$300.00
Transfer of Business Licence	\$50.00
Transient Peddler	\$150.00

TYPE OF BUSINESS	FEE (PER YEAR, unless otherwise specified)
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<b>RETAIL</b>	
Convenience Store	\$150.00
Junk Dealer/Second Hand Store	\$150.00
Kiosk	\$75.00
Pawnbroker	\$300.00
Retail Trade - from any business with a floor area over 1000 square metres	\$300.00
Retail Trade - from any business with a floor area less than 1000 square metres	\$150.00

<b>RETAIL CONTINUED</b>	
Sales Agent	\$150.00
Shopping Centre Administration	\$25.00 PER COMMERCIAL UNIT to a maximum of \$500.00/year
Wholesale Business	\$150.00

<b>TRANSPORTATION</b>	
Fueling Station/Service Station/Card Lock	\$150.00
Vehicle Dealer	\$150.00
Vehicle Driver Service	\$300.00
Vehicle Repairs, Painting, Body Work, Supplies and Accessories	\$150.00