

TOWN OF COMOX

BYLAW NO. 1882

**A BYLAW TO REGULATE AND PROVIDE FOR THE LICENSING OF BUSINESSES
IN THE TOWN OF COMOX**

WHEREAS the Town of Comox may regulate business by bylaw and may require that businesses be licensed;

WHEREAS the Council of the Town of Comox considers it expedient to impose a system of business licences;

AND WHEREAS the Council of the Town of Comox has given notice of its intention to adopt a bylaw regulating business and has provided interested persons with an opportunity to make representations.

NOW THEREFORE in open meeting assembled the Council of the Town of Comox enacts as follows:

1. Title

This Bylaw may be cited as the Comox Business Regulation Bylaw No. 1882, 2018

2. Interpretation

The following definitions apply to this Bylaw:

“Apartment Building Business” means the Business of renting, or making available for rent, three or more residences on a single parcel, where each residence has access through common corridors or stairways.

“Bed and Breakfast Business” means the Business of carrying on a bed and breakfast as defined under the Town’s Zoning Bylaw, as amended from time to time.

“Business” means

- (a) carrying on a commercial or industrial activity, or
- (b) providing professional, personal or other services

for the purpose of gain or profit, but does not include an activity carried on by the Provincial government, by corporations owned by the Provincial government, by agencies of the Provincial government or by the South Coast British Columbia Transportation Authority or any of its subsidiaries.

“Business Licence” and “Licence” means a Business Licence issued pursuant to this Bylaw, and includes an Intermunicipal Business Licence and an Inter-Community Business Licence.

“Bylaw Enforcement Officer” means

- (a) the person appointed by the Town of Comox to enforce bylaws; and
- (b) the Corporate Officer, Deputy Corporate Administrator or Parks Superintendent for the Town of Comox.

“Carnival” means the Business of holding an event at which admission is charged or concessions are sold that is held in the open as part of a temporary use of buildings or structures, and includes a festival and a circus.

“Contractor” includes general contractor, builder, electrician, excavating service provider, plumber, and roofer.

“Council” means Council of the Town of Comox.

“Eligible Intermunicipal Business” means a Business that is listed on Schedule 1 of the agreement authorized under the Comox Intermunicipal Business Licence Agreement Authorization Bylaw, as amended from time to time, but does not include Door-to-Door Sales.

“Eligible Inter-Community Business” means a Business defined as an Inter-Community Business in the Comox Inter-Community Business Licence Bylaw, as amended from time to time.

“Financial Institution” means a Business at which customers purchase, deposit, or borrow money or financial instruments.

“Flea Market” means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public and includes craft fairs.

“Highway” has the same definition as in the British Columbia *Motor Vehicle Act*, as amended from time to time.

“Home-Based Business” means a Business that is defined as a “Home Occupation” in the Comox Zoning Bylaw, as amended from time to time.

“Intermunicipal Business Licence” means a Business Licence that is for an Eligible Intermunicipal Business and is:

- (a) issued pursuant to an application for an Intermunicipal Business Licence under this Bylaw; or

- (b) issued pursuant to an application for an Intermunicipal Business Licence under a bylaw of the City of Courtenay.

“Inter-Community Business Licence” means a Business Licence that is for an Eligible Inter-Community Business and is:

- (a) issued pursuant to an application for an Inter-Community Business Licence under this Bylaw; or
- (b) issued pursuant to an application for an Inter-Community Business Licence under a bylaw of any of the Participating Municipalities, as defined in the Comox Inter-Community Business Licence Bylaw, as amended from time to time.

“Licence Inspector” means the Deputy Corporate Administrator, and also any person lawfully acting as delegate in that capacity.

“Mobile Vending Unit” means the operation of a food service or merchandise business from a truck, trailer or cart.

“Mobile Vendor” means a person who, from a motor vehicle, trailer or cycle, as defined or licensed under the *Motor Vehicle Act*, as amended from time to time, offers for sale food or merchandise, or who advertises or takes orders for goods or services.

“Park” means,

- (a) any property or structure held by the Town for public use by Crown Lease or Crown Licence, by permit or lease from the Ministry of Transportation and Infrastructure, or by lease, statutory right-of-way or occupancy or access agreement with a private landowner; and
- (b) all play areas, playgrounds, play fields, trails, greenbelts, required buffer zones, public squares, open spaces, boulevards, beaches, beach accesses and other public places under the care, custody or jurisdiction of the Town of Comox for public recreation or community purposes.

“Parks Use Permit” means a current and valid permit issued pursuant to the Comox Parks Use Bylaw, as amended from time to time.

“Peddler” means a person who,

- (a) not having any Place of Business within the municipality, sells or offers for sale by going door to door, goods, wares, merchandise, or foodstuffs, or any other effects whatsoever therein, or
- (b) being the agent for a person not resident within the municipality, sells or offers for sale, goods, wares, merchandise or foodstuffs, or carries on or exposes samples or patterns of any goods, wares, merchandise, or

foodstuffs to be afterwards delivered within the municipality to a person not being a wholesale or retail dealer in such goods, wares, merchandise or foodstuffs, or

- (c) carries or exposes samples or patterns or quotes prices for the selling of any goods, wares, or merchandise of food-stuffs, to be afterwards delivered within the municipality to any person.

“Place of Business” means:

- (a) the land, building or Mobile Vending Unit at which the customers of the Business are regularly served;
- (b) the location of the commercial or industrial undertaking; or
- (c) for a Business that only serves customers at property occupied by the patron, the residence or office of the Licence holder.

“Town” means the Town of Comox.

“Trade Show” means an event involving organizing a group merchants to gather in one location or building to offer or promote sales, such as the sale of goods, wares, merchandise, services, products or concepts.

3. General Requirements

- (1) No person shall carry on any Business within the Town unless the person is the holder of a valid and subsisting Business Licence for the Business.
- (2) No person shall carry on any Business within the Town contrary to the requirements of this Bylaw.
- (3) Every holder of a Business Licence shall post the Licence in a conspicuous place accessible to members of the public that attend the Place of Business.
- (4) No holder of a Business Licence shall carry on a Business at a Place of Business different from that stated on the Licence.
- (5) No holder of a Business Licence shall carry on a Business with a name different from that stated on the Licence.
- (6) If a person carries on a Business at more than one Place of Business,
 - (a) the person shall obtain a Business Licence for each Place of Business, and
 - (b) a Mobile Vending Unit requires only one Business Licence per Mobile Vending Unit in operation.

- (7) If a person carries on multiple Businesses at the same Place of Business, the person shall obtain a Business Licence for each Business.
- (8) If a holder of a Business Licence changes the type of Business that the Licence holder carries on, that person shall obtain a new Licence for the new type of Business.

4. Application Process

- (1) A person may apply for a new Business Licence by:
 - (a) accurately completing the prescribed form of application and submitting the form to the Licence Inspector;
 - (b) if eligible, indicating whether the Business Licence sought is an Intermunicipal, or an Inter-Community Business Licence; and
 - (c) paying to the Town the applicable fee set out in Schedule “A” of this Bylaw.
- (2) A person may apply to renew a Business Licence for the following year by accurately completing and submitting the prescribed form and declaration to the Licence Inspector and paying the applicable fee set out in Schedule “A” of this Bylaw.
- (3) A person may apply to amend a subsisting Business Licence by accurately completing and submitting the prescribed form of application to reflect the amendment and by paying the applicable fee set out in Schedule “A” of this Bylaw. A person must amend a Business Licence if the name of the Business or the Place of Business changes.
- (4) A Business Licence may not be transferred and every person who wishes to become a Business Licence holder shall apply for a new Licence.
- (5) A person who applies for a new, renewed or amended Business Licence must also provide to the Licence Inspector, upon request, all information necessary to determine whether the Business will comply with all conditions of the Licence.

5. Licence Issuance and Term

- (1) Subject to section 5(2), once the Town has received:
 - (a) a complete application;
 - (b) all applicable fees, and
 - (c) all other information requested under section 4(5),

the Licence Inspector shall issue within a reasonable time and in the form prescribed a new, renewed or amended Business Licence.

- (2) The Licence Inspector may refuse to issue, amend or renew a Business Licence for a Business if:
 - (a) the Licence Inspector has reasonable cause; or
 - (b) the carrying on of the Business would contravene a condition specified in section 7 [Conditions of Licence].
- (3) Each new and amended Business Licence is valid as of the date the Licence is issued.
- (4) A renewed Business Licence is valid as of January 1 of the year for which it is renewed.
- (5) A Business Licence shall expire on January 31 of the year following the year it is issued or renewed, unless otherwise indicated on the Business Licence.
- (6) A person may only apply to renew a Business Licence between December 1 and January 31 of each year.
- (7) It is the sole responsibility of the holder of a Business Licence to renew it prior to the Business Licence's expiration and within the permitted period.

6. Licence Suspension and Cancellation

- (1) Subject to subsection (2), the Licence Inspector may:
 - (a) suspend a Business Licence until such time as all the conditions set out in section 7 [Conditions of Licence] have been restored; or
 - (b) cancel a Business Licence for reasonable cause.
- (2) The Licence Inspector shall not suspend or cancel a Business Licence until the Licence Inspector has given the Licence holder reasonable notice of an intention to suspend or cancel the Licence and has provided the Licence holder with an opportunity to provide written submissions.
- (3) The Licence Inspector may give notice pursuant to this section in writing sent by courier or registered mail to the address of the holder of the Business Licence stated on the most recent application.
- (4) Nothing in this Bylaw limits:
 - (a) a person's statutory entitlement to have Council reconsider a Licence Inspector's decision to suspend, cancel or refuse to grant a Business Licence;

- (b) Council's authority to suspend or cancel a Business Licence is independent of a decision of the Licence Inspector, if Council has given the Licence holder notice of Council's intention and an opportunity to be heard.

7. Conditions of Licence

It is a condition of each Business Licence that:

- (a) the Licence holder comply with the requirements of this Bylaw;
- (b) the Business not be conducted in a manner that contravenes the bylaws of the Town, including the Town's zoning bylaw, all as amended from time to time;
- (c) no equipment associated with the Business be located on a Highway or in a Park, unless permitted by a Parks Use Permit;
- (d) the Business only be carried on with all necessary permissions from all public authorities having jurisdiction over the carrying on of the Business; and
- (e) the Place of Business remain free of an order issued pursuant to the *Fire Services Act* or a Town bylaw in relation to buildings and structures or the health, safety or protection of persons or property, all as amended from time to time.

8. Specific Business Regulations

- (1) Building Contractors – At each work site at which the Contractor is working, every Contractor shall have immediately available for inspection upon demand of a customer, a Bylaw Enforcement Officer or the Licence Inspector:

- (a) a copy of the Business Licence; and
- (b) a copy of every Business Licence for every sub-Contractor engaged by the Contractor at the work site;

and no Contractor shall be excused from this requirement by the failure of the Contractor or any sub-Contractor to hold a valid Business Licence.

- (2) Mobile Vending – Every Mobile Vendor shall:

- (a) obtain and maintain a valid Business Licence for each Mobile Vending Unit;

- (b) obtain and maintain a valid Parks Use Permit for each Mobile Vending Unit locating in a Park;
- (c) provide a Discharge Management Plan, for each Mobile Vending Unit selling food or beverages, that describes how and where fats, oils and grease will be disposed;
- (d) provide proof of the following, as applicable,
 - (i) approval to operate in accordance with the *Public Health Act*, as amended from time to time;
 - (ii) approval to operate from the Comox Fire Department;
 - (iii) automobile liability insurance for mobile trucks and mobile trailers;
- (3) Peddler – Every Peddler shall at all times display on their person in a conspicuous place identification that states the Peddler's name and the person or company for whom they work as employee or agent, if any.

9. General Provisions

- (1) The fee payable to the Town for each new and renewed Licence is the amount in Column 2 of the table attached as Schedule "A" to this Bylaw that is opposite to the type of Business to be licensed identified in Column 1 of the table.
- (2) The fees payable for a new and first time Business Licence, excluding a seasonal or temporary Licence, are prorated by the following amounts:
 - (a) for a new Licence issued between April 1 and June 30, 75% of the applicable fee shown in Column 2; and
 - (b) for a new Licence issued between July 1 and December 31, 50% of the applicable fee shown in Column 2.
- (3) The Licence Inspector, Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are authorized to enter any property for the purpose of administering and enforcing this Bylaw, provided that the manner and timing of such entry is consistent with the *Community Charter*.
- (4) This Bylaw does not relieve any person from complying with any other statute, regulation or bylaw relating to the operation of a Business and the Place of Business, including those enactments relating to construction and repair, fire safety or public health.
- (5) In the event that any portion of this Bylaw is declared to be *ultra vires* by a Court of competent jurisdiction, then such portion shall be deemed to be

severed from the Bylaw to that extent and the remainder of the Bylaw shall continue in force and effect.

10. Offence

- (1) Every person who contravenes any provision of this Bylaw commits an offence and shall, upon summary conviction, be liable to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 together with such other penalties that may be imposed by the court, including payment of the costs of prosecution and compensation for loss or damage suffered by the Town.
- (2) Each day that an offence continues shall constitute a separate offence against this Bylaw.

11. Municipal Ticketing

- (1) This Bylaw is designated under the provisions of section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.
- (2) Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are persons designated to enforce this Bylaw pursuant to section 264(1)(b) of the *Community Charter*.
- (3) Pursuant to section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (4) Pursuant to section 265(1) of the *Community Charter*, but subject to section 9.3(c) of this Bylaw, the fine amount set forth below in Column 3 is the fine amount for the offence that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
No Business Licence	3(1)	\$500.00
Fail to Display Licence	3(3)	\$100.00
Unlicensed Business Location	3(4)	\$100.00
Unlicensed Name Change	3(5)	\$100.00
Unlicensed Business Change	3(8)	\$250.00
Unlawful Placement of Equipment	7(c)	\$100.00
Fail to Obtain Permission	7(d)	\$100.00
Contractor-Fail to Produce Licence	8(1)(a)	\$500.00

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Fail to Produce Sub Licence	8(1)(b)	\$200.00
No Mobile Vending Licence	8(2)(a)	\$100.00
No Parks Use Permit	8(2)(b)	\$100.00
No Discharge Management Plan	8(2)(c)	\$100.00
Insufficient Permission	8(2)(d)	\$100.00

12. Repeal

Comox Business Licence By-law, 1985, as amended, is repealed.

13. Adoption

- (1) READ A FIRST, SECOND and THIRD time this 4th day of April , 2018
- (2) Notice of intention to adopt given this 5th and 10th day of April , 2018
- (3) Representations to Council heard this 18th day of April , 2018
- (4) ADOPTED this 18th day of April , 2018



MAYOR



CORPORATE OFFICER

**Schedule “A”
 BUSINESS LICENCE FEES**

Column 1	Column 2
ONGOING BUSINESSES	
Type of Business	Annual Fee
Apartment Building Business	\$6 per residence; \$60 minimum
Bed and Breakfast Business	\$100
Financial Institution	\$100
Home-Based Business	\$100
Hotels, Motels, Restaurant Not Liquor Licensed	\$100
Liquor Licensed	\$150
Intermunicipal Licence	\$150
Inter-Community Licence	\$150
Peddler	\$250 per peddler
Not for Profit Business	\$0
Business not specified above	\$100
TEMPORARY AND SEASONAL BUSINESSES	
Type of Business	Fee
Carnival or Circus	\$200 per day
Flea Markets	\$100 per day
Trade Shows	\$100 per day
Mobile vendors	\$10 per month; \$100 maximum
BUSINESS LICENCE AMENDMENT	
Business Licence Amendment Fee	\$10