

**TOWN OF COMOX**

**CONSOLIDATED BYLAW NO. 799**

(Consolidated to November 2006)

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Convenience only and is not a certified copy.

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**A BY-LAW RESPECTING LICENCES FOR CARRYING ON BUSINESS WITHIN  
THE MUNICIPALITY AND FOR FIXING THE FEES FOR SUCH LICENCES**

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The Council of the Town of Comox, in open meeting assembled, enacts as follows:

**TITLE:**

This by-law may be cited as the "Comox Business Licence By-law, 1985".

**PART I -- INTERPRETATION**

**1. For the purpose of this Bylaw, unless the context requires otherwise, the following words and terms shall have the meanings hereby assigned to them:**

"ACT" means the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, as amended.

"AGENT" shall mean any person who, either on his behalf or as agent for another, sells or solicits or takes orders for the sale by retail, of goods, wares, or merchandise to be supplied by any person not carrying on a resident business within the Municipality.

"BEAUTY PARLOUR" means any building, room or place where the business of hairdressing, scalp treatment, manicuring or face treatment is carried on.

"BOOK AGENT" shall mean any person who sells or offers for sale, books, magazines or other periodicals, not being Bibles or religious tracts, by canvassing from house to house or place to place within the Municipality.

"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 for the purpose of gain or profit.

"BUSINESS - RESIDENT" means a business carried on from premises within the Municipality.

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"BUSINESS - NON-RESIDENT" means a business other than a resident business carried on within the Municipality, or with respect to which any work or service is performed within the Municipality.

"CARRYING ON A BUSINESS" without restricting the generality of the term, shall include any person who advertises himself by newsprint publicity or otherwise, is open for business of any kind or who deals in, or buys, sells, barter, or displays, or offers by advertisement or otherwise, to buy, sell or barter commodities or other things of any kind, either on behalf of himself or others, or who advertises himself as open to render professional or other services to any other person for the purpose of gain or profit, shall be deemed to be carrying on, engaged in or practicing within the Municipality his respective profession, business, trade, occupation, employment, calling or purpose.

"CABARET" shall mean and include any place in which refreshments or foods of any kind are served, where music and dancing or any form of entertainment is permitted.

"COLLECTOR" shall mean the Collector for the Municipality.

"CONTRACTOR" shall mean any person, corporation, company, firm or organization performing or engaged to perform either for his/her or its own use or benefit, or for that of another and with or without remuneration or gain, any work within the municipality in any field of construction, repair or remodeling under the terms and conditions of an agreement, verbal or otherwise, whereby a set sum or a sum calculated on a cost plus or unit basis is paid for the work done.

"COUNCIL" means the Council of the Town of Comox.

"FINANCIAL INSTITUTIONS" means a chartered bank as defined by the Bank Act; a Credit Union as defined by the Credit Union Act, R.S.B.C. 1979; or a business accepting money on deposit for custody, subject to cheque or draft, or carries on the business of discounting bills, notes or drafts.

"FLOOR AREA" means the area within a building that is used for display purposes, or to service customers, but shall not include those areas set aside exclusively for the purpose or use of the employees of or participants in the business.

"GROUND AREA" means that 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 use of the employees of or participants in the business.

"HAWKER, PEDLAR OR HUCKSTER" means a person who:

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- (1) not having any place of business within the municipality, sells or offers for sale, goods, wares, merchandise, or foodstuffs, or any other effects whatsoever therein, or
- (2) 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
- (3) 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.

"HOME OCCUPATION" means an occupation, profession, trade or craft, carried on for consideration, which is clearly incidental to the use of a dwelling unit for residential purposes and includes the following, all others being excluded:

- (1) Dressmaking, millinery, seamstress, tailoring or other similar domestic crafts.
- (2) Manufacture of novelties, souvenirs, and handicraft objects as an extension of a hobby;
- (3) Self-employed artisan or professional person;
- (4) Stamp and coin collecting and sales;
- (5) Casual repairs to small household equipment;
- (6) The keeping of not more than 4 boarders or lodgers or not more than 4 foster children in each dwelling unit;
- (7) The operation of a kindergarten or day nursery for not more than 5 children;
- (8) Public stenographer or typist;
- (9) Individual instruction for music or art students;
- (10) Bed and Breakfast Establishments; and **(Added Bylaw 980, August/90)**
- (11) Other uses similar in character to the foregoing.

"HOTEL, MOTEL, APARTMENT HOUSE OR ROOMING HOUSE" means any building or portion thereof that is used for the purpose of gain or profit by renting or leasing rooms; provided, however, that no licence shall be required where less than two (2) such rooms are available for renting or leasing.

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"KINDERGARTEN, PLAY SCHOOL OR DAY CARE CENTER" means the premises where the owners or operators thereof for gain or profit provide pre-school or play school classes for the attendance of children.

"LICENCE INSPECTOR" means the person from time to time duly appointed as Licence Inspector for the Municipality, and also any person lawfully acting in that capacity.

"MANUFACTURER" means any person employed in the processing of raw materials to the finished product.

"MUNICIPALITY" means the Town of Comox.

"PERSON" in addition to its ordinary meaning shall mean and include a partnership, association, firm, company, society, body corporate, and in the singular shall mean and include the plural, and in the masculine shall mean and include the feminine or converse.

"PERSONS ENGAGED IN THE BUSINESS" shall mean and include the owner, or proprietor, assistants, employees, including part-time and casual employees.

"PEST CONTROL SERVICES"

- (a) Every person carrying on a business or occupation involving the use or application of pesticides shall hold a current pest control service licence.
- (b) "Pesticide" shall mean any agricultural pesticide as defined in regulations made pursuant to the Pharmacy Act.
- (c) "Pest Control Service Licence" means a licence granted under the Pharmacy Act to advertise or provide services involving the use or application of pesticides.

"POOL" includes pool, billiards, bagatelle, or other similar games, and "poolroom" means the place kept by an owner where any such games are played.

"PREMISES" shall include store, office, warehouse, building, enclosure, yard or other place occupied, or capable of being occupied by any person for the purpose of any business, trade, or occupation of the foregoing where more than one separate and/or distinct class or classification of business is also carried on.

"PROFESSIONS" shall include the carrying on of a business of a personal service to the public that requires as a condition precedent to carrying on the service, a licence or other statutory authorization.

"RESTAURANT" means any dining room, coffee shop, coffee counter, tea room, ice cream parlour, eat-in or take-out food establishment, or any other place,

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whether permanent or temporary, fixed or moveable, in which prepared foods and/or beverages are served to the public in exchange for money or services, or any place to which the public have access for the purpose of purchasing prepared foods or beverages for human consumption on or off the premises.

"RETAIL TRADER" means every person who sells or offers for sale to any other person by retail, any goods, wares, merchandise or other commodity.

"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 goods, wares, merchandise or effects of any description.

"STORAGE AREA" means and includes any outdoor area adjacent to or forming part of any business premises, but shall not include that 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.

"TRAVEL AGENCY" means any person who acts as an agent for any railway, bus, airline or steamship company.

"WHOLESALE DEALER" shall mean any person who carries on the business of dealing in any commodity by selling such commodity to retail dealers or to other wholesale dealers or to contractors or to manufacturers for resale or for use in their business.

## **PART II -- LICENCE REQUIRED**

- (1) Subject to the provisions of Part II, Division (1) of the Act, no person shall carry on any business within the Town of Comox unless:
  - (a) a) he has first paid the fee prescribed in Schedule "A" attached to and forming part of this Bylaw; and
  - (b) b) he is the holder of a valid and subsisting business licence issued to him by the Licence Inspector under the provisions of this Bylaw.
- (2) Every person carrying on business within the Town of Comox shall renew his business licence prior to the commencement of each succeeding licensing period and he shall pay the prescribed fee for such business at the time of such renewal providing such person is to continue the business.
- (3) Failure to pay as indicated above makes a licensee liable to prosecution for having committed an offence under this Bylaw.

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### **PART III -- ISSUING OF LICENCES**

- (1) The Licence Inspector shall have the authority to grant, issue or transfer licences as hereinafter provided and subject to the provisions of Section 513 of the Act.
- (2) Before any licence is issued, the Licence Inspector shall satisfy himself that, where applicable, the applicant has complied in all respects with the Apprenticeship and Tradesmenâ€™s Qualification Act of the Province of British Columbia.
- (3) Every licence granted pursuant to this Bylaw shall state that the holder is licenced to carry on the business (stipulated therein in a lawful manner) for the period specified. Licences granted for carrying on Home Occupations shall state on said licences the words "Home Occupation - Only for business stated on Application for Business Licence".
- (4) Every licence granted shall be deemed to be a personal licence to the licensee therein named and is not transferable.
- (5) Save as specifically provided for in this or any other Bylaw of the Town of Comox, no licence shall be issued for a business where it appears that the business is to be conducted from lands or premises located within a residential zone.
- (6) Where an application is received for a business which is to be conducted from premises located within a residential zone, the Licence Inspector may issue a licence, providing all criteria have been met, and shall give due regard to the following considerations:
  - (a) The promotion of health, safety, convenience and welfare of the public.
  - (b) The preservation of the amenities peculiar to residential zones.
  - (c) The conservation of property values in the zone.
  - (d) The protection of duly licensed retail merchants in the municipality located within a commercial zone.
- (7) A person carrying on a home occupation shall pay the applicable fee prescribed in Schedule "A" except that any person carrying on a home occupation who is either:
  - (a) physically handicapped; or
  - (b) can prove that they must operate a business from their home and should be considered for compassionate reasons;

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may apply to the Council of the Town of Comox for relief from the provisions of this or any other Bylaw of the Town of Comox.

- (8) Where an application for a business licence is referred to the Council, the applicant shall be requested to appear before the Council to answer any pertinent questions.

#### **PART IV -- APPLICATIONS FOR LICENCE**

- (1) Every person applying for a licence shall complete the application form prescribed in Schedule "B" and supplied by the Licence Inspector for such purpose.
- (2) An application for the first time, or a transfer of a licence, shall be signed by the owner of the business or his duly authorized agent provided that, in the case of partnerships or multiple owners, any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all partners.
- (3) The Licence Inspector is hereby authorized to interpret the wording of an application where such wording is not consistent with the interpretations and the classifications stated herein.

#### **PART V -- BONDING NON-RESIDENT**

- (1) As a condition of granting a license to a person applying for a licence to carry on a non-resident business, the applicant shall, if requested to do so, give security to the municipality in an amount not to exceed One Thousand Dollars (\$1,000.00) conditional on his carrying on whatever business he carried on in the municipality without deceit, misrepresentation or fraud on his part.
- (2) Security under this subsection shall be given for the period of the date of the licence until:
  - (a) six months after the licensee ceased to hold the licence to carry on the non-resident business; or
  - (b) the date upon which the licensee is issued a licence by the municipality to carry on the business as a resident business; or
  - (c) three consecutive years have elapsed during which no order has been made respecting the security under Clause 4 of this subsection.
- (3) Subject to Clause 4 of this subsection, upon the expiration of the period referred to in Clause 2 of this subsection the security shall be returned to the licensee.

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- (4) If during the period referred to in Clause 2 of this subsection, the municipality receives notice that a civil action based on deceit, misrepresentation or fraud on the part of a licensee who has posted security under this section and arising from the carrying on in the municipality of the business in respect to which the security is held, has been initiated in any court of competent jurisdiction, the court may order that the sum secured by any such security be applied wholly or in part to the discharge of the liability of the licensee resulting from the action.
- (5) An itinerant seller, as defined in the Consumer Protection Act, who furnishes and maintains security pursuant to that Act, together with such agents, employees, or representatives as he designates in writing, is exempt from the provisions of Part V of this Bylaw.
- (6) Security deposits shall be in the form of cash, or negotiable parity bonds of the Government of Canada or the Province of British Columbia, or performance bonds duly registered by a licenced bonding company, and shall be payable to the Town of Comox.

## **PART VI -- GENERAL PROVISIONS**

- (1) False Declarations - Any person making an application for a licence, under the provisions of this Bylaw, shall, at the time of making application for such licence, give true and correct details for such business that the licence is being applied for on the forms supplied by the Licence Inspector. Any false declaration or concealment of material facts, which under the provisions of this Bylaw should be disclosed as herein set forth, shall be deemed an infraction of this Bylaw and shall be liable to the penalties herein set forth.
- (2) Licences to be Posted - Every person granted a business licence under this Bylaw shall or shall cause such licence to be posted in a conspicuous place on the premises or on the article or on the vehicle or at the location in respect of which the licence was issued. Anyone failing to post and keep posted as aforesaid, shall be guilty of an infraction of this Bylaw and liable to the penalties thereof.
- (3) Changes Affecting Licence - Every person granted a business licence under this Bylaw shall notify the Licence Inspector of any change in the mailing and/or business address, the classification of the business, the premises in which the business is being carried out, and shall notify the Licence Inspector when the licence is no longer required.

## **PART VII -- TRANSFER OF LICENCE**

- (1) Any person desiring to obtain a transfer of a business licence, or interest in any business licence, issued in pursuance to this Bylaw and held by any other person, shall make an application the same as required to obtain a licence



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under this Bylaw, and its powers, conditions, requirements and procedures relating to the granting or refusal of licences and appeals therein, shall apply.

- (2) No person who purchases the interest of, or part of the interest of, any person licensed pursuant to the Bylaw, shall carry on or continue such business without first obtaining a transfer of licence or a new licence.
- (3) In addition to any other requirements under this bylaw, a person obtaining a transfer of a business licence shall pay a \$10.00 Transfer Fee. **(Added, Bylaw 1162, May/95)**

## **PART VIII -- PERIOD OF LICENCE**

- (1) Except as hereinafter provided, licences shall be issued annually so as to take effect on the first day of January and to terminate on the 31st day of December in each year with the following proviso:

That on a first time application for a licence from a person or business, submitted at a time other than January first of that year, according to the date of application, the following prorated scale shall be applied:

- (a) January 1st to March 31<sup>st</sup> 100 % of licence fee.
  - (b) April 1st to June 30<sup>th</sup> 75 % of licence fee.
  - (c) July 1st to December 31<sup>st</sup> 50 % of licence fee. **(Revised, Bylaw 1028, Jan /91)**
- (2) Subject to Section 506 of the Municipal Act R.S.B.C., 1979, the period of a licence with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be one day.

## **PART IX --SUSPENSION AND REVOCATION OF LICENCE AND APPEALS**

- (1) Subject to Section 513 of the Act, the Licence Inspector may suspend any licence for any period he may determine.
- (2) 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 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

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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.

- (3) No person shall carry on a business for which a licence is required by this Bylaw during the period of suspension of such licence.
- (4) Council may revoke a licence for reasonable cause after giving notice in writing to the licensee and giving the licensee an opportunity to be heard.
- (5) The notice and opportunity to be heard referred to in Clause 4 is not required in respect of a licensee who, by reasonable efforts, cannot be found.
- (6) A notice of revocation may be posted by the Licence Inspector upon the premises for which the licence was issued and such notice shall not be removed until the former 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.
- (7) Any person whose licence has been suspended, or has failed to obtain a licence, or who wishes to appeal the classification as given by the Licence Inspector, may appeal to the Council by giving notice to the Municipal Clerk of his intention to appeal. Such appeal shall be made in writing and shall state in a concise manner the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal and may confirm or set aside such decisions made by the Licence Inspector, as it may deem fit.

## **PART X -- OFFENCES AND PENALTIES**

- (1) Any person who carries on a business for which a licence is required pursuant to this Bylaw, without holding a valid or subsisting licence for the business, is guilty of an offence and is punishable upon summary conviction therefore.
- (2) Notwithstanding anything herein contained, the amount of any and every licence payable by any person pursuant to the provisions of this Bylaw shall be a debt due by that person to the Municipality, which shall be recoverable together with any costs in any court of competent jurisdiction.
- (3) Every person who:
  - (a) violates or does any act or thing which violates any provisions of this Bylaw;  
or

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(b) suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this Bylaw; or

(c) neglects or refrains from doing anything required to be done by any of the provisions of this By-law;

is guilty of an offence, and is liable upon summary conviction to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) (**Amended, Bylaw 1028, Jan 8/91**);

(4) Every person who commits an offence of a continuing nature against this Bylaw is liable to a fine of not less than Fifty Dollars (\$50.00) for each day such an offence is continued.

## **PART XI -- DUTIES OF LICENCE INSPECTOR**

(1) The Council may, by resolution, from time to time appoint a person to be Licence Inspector, whose duty it shall be to carry out and enforce the provisions of this Bylaw.

(2) The Council may, by resolution, from time to time appoint a person as Assistant Licence Inspector with like duties and powers delegated to the Licence Inspector by the provisions of this Bylaw.

(3) The Licence Inspector, or his assistant, is hereby authorized to enter at all reasonable times, upon any property in order to ascertain whether the provisions of this Bylaw are being obeyed.

(4) All fees collected by the Licence Inspector under this Bylaw shall be paid to the Town Collector who shall deal with said fees in the manner provided by the Act.

## **PART XII -- GENERAL REGULATIONS**

### **1. Building Contractors**

Every person licensed as a general or building contractor shall, on the written request of the Licence Inspector, provide the Licence Inspector with a list of all sub-trades engaged on each specific job. Failure, neglect or refusal to submit such list within two weeks of delivery of such written request shall be an infraction of the Bylaw and render such general or building contractor liable to the penalties herein imposed.

### **2. Inspection of Property**

Every owner or occupier of any real property in the Town of Comox shall give to the Licence Inspector or to any member of the staff authorized by him for the purpose, such access at any reasonable hour to such real property and every part thereof and

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such information with respect thereto as may be reasonably required to enable necessary inspections and investigations to be made.

**PART XIII -- PROHIBITED PRODUCTS**

- (1) It shall be an offence to sell the plant Lythrum Salicaria (Purple Loosestrife) in plant or in seed.**(Added, Bylaw 1062, October/92)**

**PART XIV -- BYLAW REPEALMENT**

- (1) Bylaw No. 648 "Comox Business Licence Bylaw, 1981"
  - (2) Bylaw No. 654 "Comox Business Licence Bylaw Amendment No. 1, 1981"
  - (3) Bylaw No. 702 "Comox Business Licence Bylaw Amendment No. 2, 1981"
  - (4) Bylaw No. 768 "Comox Business Licence Bylaw Amendment No. 3, 1984"
  - (5) Bylaw No. 783 "Comox Business Licence Bylaw Amendment No. 4, 1985"
- are hereby repealed.

**PART XV -- ADOPTION**

- (1) READ A FIRST AND SECOND time this 6<sup>th</sup> day of November , 1985
- (2) READ A THIRD time this 6<sup>th</sup> day of November , 1985
- (3) ADOPTED this 20<sup>th</sup> day of November , 1985

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MAYOR

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CORPORATE OFFICER

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### SCHEDULE “A”

<b>ANNUAL BUSINESS LICENCE FEES</b>	
<b>CATEGORY</b>	<b>(A) ANNUAL FEE</b>
Apartment Buildings	\$6.00 per apartment \$60.00 minimum
Bed and Breakfasts	\$100.00
Carnivals/Circuses	\$200.00 (per day)
Financial Institutions	\$600.00
Hotels, Motels, Restaurants	
Unlicensed	\$100.00
Licensed	\$150.00
Intermunicipal	\$150.00
Peddlers	\$250.00
Retail Stores	\$100.00
All other lawful businesses, trades or services, herein not specified	\$100.00

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## SCHEDULE "B"



### BUSINESS LICENCE APPLICATION

**TOWN OF COMOX**  
 1809 Beaufort Avenue Ph: (250) 339-2202  
 Comox BC V9M 1R9 Fx: (250) 339-7110

*BUSINESS LICENCE BYLAW, 1985*  
*SCHEDULE "B"*

<b>New Business:</b> <input type="checkbox"/>	<b>Owner Change:</b> <input type="checkbox"/>	<b>Address Change:</b> <input type="checkbox"/>	<b>Name Change:</b> <input type="checkbox"/>
<b>Licence Type:</b>	<b>Town of Comox:</b> <input type="checkbox"/> <small>(Comox licence only)</small>	OR	<b>Intermunicipal:</b> <input type="checkbox"/> <small>(Comox and Courtenay licence)</small>

<b>Business Name:</b>			<b>Business Phone:</b>		
<b>Business Owner:</b>			<b>Business Fax:</b>		
<b>Business Address:</b>			<b>Mailing Address:</b>		
<b>Town:</b>	<b>Prov:</b>	<b>Postal:</b>	<b>Town:</b>	<b>Prov:</b>	<b>Postal:</b>

<b>Contact Name:</b>	<b>Email:</b>	<b>Phone:</b>
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<b>Business Description:</b>		<b>Start Date:</b>
<b>Is this a home-based business?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Will you be operating for more than one year?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	<b>Will you be Renovating?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>

I/we, the undersigned, hereby apply for the Town of Comox Business Licence as hereinbefore outlined and declare that all statements made in the application are true and correct. I/we further agree that should the licence applied for herein be granted, that I/we will abide by all bylaws now in force or which hereafter come into force in the Town of Comox.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

OFFICE USE ONLY		
<b>PLANNING</b>	Referral:	Comments:
	Approval:	
<b>BUILDING</b>	Referral:	Comments:
	Approval:	
<b>FIRE</b>	Referral:	Comments:
	Approval:	
<b>OTHER</b>	Referral:	Comments:
	Approval:	

<b>Business Licence Inspector:</b>	<b>Licence Category:</b>	<b>Licence Year:</b>
<b>Approved:</b>	<b>Licence Fee:</b>	<b>Licence Number:</b>
		<b>Issued:</b>