

CITY OF PRINCE GEORGE
BYLAW NO. 9040, 2020

A Bylaw of the City of Prince George to provide for the regulation and licensing of business.

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

AND WHEREAS, when regulating business, Council may, pursuant to section 15 (1) of the *Community Charter*, impose terms and conditions 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 powers, 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 revoke a business licence;

AND WHEREAS, Council has given notice of its intention to adopt this *Bylaw* and provided an opportunity for persons who consider they are affected by this *Bylaw* to make representations to Council pursuant to section 59 of the *Community Charter*;

NOW THEREFORE, Council of the City of Prince George, in an open meeting assembled, **ENACTS AS FOLLOWS:**

1. SHORT TITLE

This *Bylaw* may be cited as the “City of Prince George Business Regulation and Licensing Bylaw No. 9040, 2020”.

2. SEVERABILITY

If any section, subsection, clause, sub-clause or phrase of this *Bylaw* is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the *Bylaw* and its severance shall not affect the validity of the remaining portions of this *Bylaw*.

3. REPEAL

3.1 “City of Prince George Business Regulation and Licensing Bylaw No. 7851, 2007” and all amendments thereto are repealed.

3.2 A business licence issued pursuant to “City of Prince George Business Regulation and Licensing Bylaw No. 7851, 2007”, that has not expired is deemed to have been issued under this *Bylaw*, and shall expire as if it was issued under this *Bylaw*, or the date specified in the licence, if the date specified in the licence is earlier.

3.3 This *Bylaw* shall come into force and effect on January 1, 2021.

4. DEFINITIONS

4.1 Unless otherwise defined in this Bylaw, all words and phrases in this Bylaw shall have the meaning given to them in the *City of Prince George Zoning Bylaw, Local Government Act* or the *Community Charter*.

4.2 In this *Bylaw*, the following terms and words have the meanings set out below:

Accommodation: building or buildings containing more than two (2) suites, two (2) rooms, or one (1) suite and one (1) room, offered for short-term rental. This category includes hotel and motel uses.

Adult Only: a business which offers any activity or service exclusively to persons that are nineteen (19) years of age or older, including, but not limited to, a Body Rub Studio, Dating Agency, Escort Service, and Adult-Orientated Retail. This category does not include a Liquor Primary Establishment.

Application: a written request by an applicant for a new licence in the form prescribed by the Authorized Person.

Applicant: the owner of a business, or an authorized representative of an owner, that submits an application.

Authorized Person: the person appointed by Council as head of the City department responsible for business licensing, or a person designated in writing by the head of the Department responsible for business licensing, to carry out any act or function under this *Bylaw*.

Body Rub: includes the manipulating, touching or stimulating a person's body. This use does not include medical, therapeutic or cosmetic massage treatment given by a person or business licensed, or under any statute of the Province of British Columbia governing such activities.

Body Rub Studio: premises where body-rub services are performed or offered.

Business: any activity or enterprise with the purpose of monetary gain or profit.

Business Licence Category: the licence category identified in Schedule "A" of this *Bylaw*.

Business Licence Fee: the business licence fee is payable to the City upon application approval, or licence renewal by the Authorized Person. The licence fee for each business licence category is identified in the *City of Prince George Comprehensive Fees and Charges Bylaw*.

Bylaw Notice Enforcement Bylaw: the *City of Prince George Bylaw Notice and Enforcement Bylaw*.

Bylaw Enforcement Officer: an officer or employee of the City who has responsibility for inspection and enforcement relating to bylaw compliance, including a member of the Royal Canadian Mounted Police or other Peace Officer.

Carnival and Midway: an event which lasts no longer than fourteen (14) days that involves a variety of shows, games and amusement rides, including ferris wheels, merry go rounds, or other similar rides. This category includes a circus, fair or exhibition.

City: the City of Prince George.

Commercial Recreation: indoor or outdoor recreational activities and exhibitions, where persons may be participants or spectators, such as sporting events, active recreation, and performing arts. This category includes without limitation, golf courses, performing arts, and sporting events.

Commercial Retail: the retail sale of goods, wares, merchandise, substances, articles or things.

Commercial Service: a business that provides a range of services to a person. This category includes personal services, pet grooming and day care, massage and massage therapy.

Community Charter: the *Community Charter*, SBC 2003, Chapter 26, and any amendments thereto.

Council: the elected officials of the City.

Dating Agency: A service that provides information to persons desirous of meeting other persons for the purpose of social outings.

Escort Service: the provision of an escort or partner for a social occasion or function. This category does not include assistance to a person due to age or a medical condition.

Fees and Charges Bylaw: the *City of Prince George Comprehensive Fees and Charges Bylaw*.

Financial Institution: a business where money is deposited, kept, lent or exchanged. This category includes a bank, trust company, credit union and pay-day loan operation.

Licence: a business licence issued under this *Bylaw*.

Licensee: a holder of a current licence.

Local Government Act: the *Local Government Act*, RSBC 2015, Chapter 1, and any amendments thereto.

Local Government Bylaw Notice Enforcement Act: the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, Chapter 60, and any amendments thereto.

Non-Resident Licence: a licence issued to an applicant who does not reside in the City.

Offence Act: the *Offence Act*, RSBC 1996, Chapter 338, and any amendments thereto.

Person: an individual, firm, partnership, association, company, corporation, or society.

Mobile Business: a business that operates in multiple locations.

Passenger Directed Vehicles: the hiring of a motor vehicle, which is licenced under the laws of the Province of British Columbia, for the purpose of transporting passengers to a specific destination. This business would include taxicab, ride hail and limousine services. This category does not include services that are rented by the hour or chartered for a specific trip (e.g. drive-yourself vehicles and motor buses).

Trade Name: the name used to identify a business.

Zoning Bylaw: the *City of Prince George Zoning Bylaw*.

5. GENERAL LICENCE REGULATIONS

- 5.1 For the purpose of this *Bylaw*, any person who, within the City:
- a) advertises or indicates by any means as being open for business of any kind;
 - b) deals in, or buys, sells, barter, rents, or displays any commodity or offers by advertisement or otherwise, on behalf of himself or others;
 - c) renders or offers to render professional, personal, contractual, or other services to any person for the purpose of gain or profit; or
 - d) engages in repairing, restoration or servicing of automobiles, appliances or other commodities not owned or registered in the name of that person or firm;
- shall be deemed to be carrying on business in the City.
- 5.2 No person or his or her representative shall advertise the carrying on of a business within the City without first obtaining a licence.
- 5.3 Except as otherwise provided for in this *Bylaw*, no person shall operate a business within the City unless the business owner holds a current licence for that business.
- 5.4 Every licence granted pursuant to this *Bylaw* shall state that the holder is licensed to carry on the business stipulated therein:
- a) in a lawful manner;
 - b) for the time-period specified in the licence; and
 - c) at the premises specified in the licence.
- 5.5 A person must not operate a business after receiving notice that the Authorized Person has suspended or revoked the licence for that business.

Licence Exemptions

- 5.6 A licence is not required for:
- a) a garage sale conducted by a person on their own property. This use is limited to two (2) sale days per year per residence;
 - b) any activity carried on by government, its agencies or government-owned corporations; or
 - c) an educational course or program provided by a community or continuing education facility, or by a school operated pursuant to the *School Act*, S.B.C. 1996 or successor legislation, including fundraising activities to support such programs.

6. AUTHORITY TO LICENCE

- 6.1 Council grants the Authorized Person to set conditions, refuse, suspend and revoke a licence under this *Bylaw*.

- 6.2 Council delegates to the Authorized Person the powers of Council to grant a licence under this *Bylaw* if the Authorized Person is satisfied that:
- a) the applicant has fulfilled the requirements of this and all other City Bylaws applicable to the business and the business premises;
 - b) the applicant has fulfilled the requirements of all federal, provincial, local government, and First Nation's legislation applicable to the business;
 - c) the applicant has paid the licence fees for the business; and
 - d) the applicant does not have any outstanding fees or fines owing to the City in relation to the business, or any other business operated by the same applicant.

7. APPLICATION

- 7.1 An applicant must complete and submit an application, including only true and accurate information, in the form prescribed by the Authorized Person, for a new business licence, or a change to an existing licence.
- 7.2 An application must be completed by the owner of the business or an authorized agent. If a business is owned by a partnership or has multiple owners, any one partner or owner may complete the application. The owner or partner who applies will be deemed the authorized agent of all the owners or partners.
- 7.3 Upon receipt of an application, in accordance with this *Bylaw*, the Authorized Person will review the application, and verify general compliance with this *Bylaw* and other enactments.
- 7.4 If the Authorized Person verifies that the application complies with this *Bylaw*, and the other enactments, the Authorized Person may grant the applicant a licence, or a licence with conditions.

Licence Fee

- 7.5 The Authorized Person will classify the business in accordance with Schedule "A" attached to and forming part of this *Bylaw*, and invoice the applicant the corresponding business licence fee.
- 7.6 A licence is not valid until the business licence fee has been paid, and the licence has been issued to the applicant by the Authorized Person.
- 7.7 If the applicant or the licensee wishes to cancel their licence, the Authorized Person will not refund the business licence fee.
- 7.8 In the first year that a business applies for a licence, the business licence fee shall be pro-rated, depending on the date that the business commences:
- a) January 1 to March 31: 100% of the licence fee
 - b) April 1 to June 30: 75% of the licence fee
 - c) July 1 to September 30 : 50% of the licence fee

- d) October 1 to December 31: 25% of the licence fee

7.9 The Authorized Person shall not apply Section 7.8 to a licensee that:

- a) does not renew their annual licence within the date specified by this *Bylaw*;
- b) has a revoked licence;
- c) cancelled their licence and submits a new application within one (1) year of cancellation to the Authorized Person;
- d) has a temporary business;
- e) has a seasonal business; and/or
- f) has a mobile business.

Compliance with other Approval Agencies

7.10 If a business is subject to any requirements, approvals, or restrictions of the federal, provincial, or local government, the applicant must meet all requirements, acquire such approvals, and adhere to such restrictions prior to submitting an application.

7.11 The City's issuance of a licence is not a representation by the City to the licensee or any person that the business complies with legislation, or other enactments, that apply to that business. As such, if the City issues a licence to a licensee, it is their responsibility for ensuring that their business complies with all applicable legislation and enactments.

Terms and Conditions

7.12 It is a term and condition of every licence that the business must be operated in strict compliance with all applicable *Bylaws* of the City and all relevant federal, provincial, local government and First Nation's legislation, regulations, and enactments.

7.13 The Authorized Person may grant a licence that includes terms and conditions related to the following:

- a) hours of operation;
- b) the term of the licence;
- c) the physical condition of the business premises;
- d) the potential or actual nuisance and negative impacts on the community surrounding the business premises, including nuisance or negative impacts caused by employee and patron behavior;
- e) health or safety issues;
- f) compliance with the requirements of this *Bylaw*, other applicable bylaws, and federal, provincial, local government, or First Nation's legislation, regulations, or enactments; and
- g) other terms and conditions that the Authorized Person considers necessary to ensure compliance with this *Bylaw* or any other legislation, regulations, or enactments.

8. BUSINESS LICENCE REGULATIONS

Effective Period of Licence

- 8.1 The City will grant licenses for a period of no greater than one (1) year, and, except as otherwise outlined in this *Bylaw*, the licence period will begin on the first day of January.
- 8.2 A licence issued after the first day of January will commence on the day the City issues the licence.
- 8.3 Regardless of the licence issuance date, the licence period will terminate:
- a) December 31st of the year that the licence is issued;
 - b) the date the Authorized Person revokes the licence; or
 - c) the date the business ceases to operate.

Display of Licence

- 8.4 Unless exempted by this *Bylaw*, a licensee must display a business's current licence within the premises where the public can easily see and read the licence.
- a) If the licensee needs a replacement licence due to damage or loss, the Authorized Person will require a replacement fee, as identified in the *Fees and Charges Bylaw*.
- 8.5 The following persons are exempt from the licence display requirements outlined in section 8.4:
- a) Mobile Business: the licensee must display the licence on the vehicle, push cart, and any other vehicle or mobile structure that the licensee uses to carry out their business; or
 - b) Non-Resident Licence Holder: the licensee must carry their licence on his or her person, or if applicable, display it in accordance with the mobile business licence display requirements.

Licence Renewal

- 8.6 Every licensee must renew the annual licence by paying the applicable business licence fee to the City prior to December 31 of the year the licence was issued.
- 8.7 If a licensee does not renew their annual licence, in accordance with the preceding subsection, the licence shall expire. The licensee must apply for a new application and pay the applicable fee in accordance with this *Bylaw*.
- 8.8 If the licensee carries on business with an expired licence, the licensee shall be subject to a fine in accordance with this *Bylaw*.

Separate Licence

- 8.9 A person who operates more than one (1) business within one (1) premises must obtain a separate licence for each business.

8.10 Where there is more than one (1) trade name displayed within one (1) premises, each trade name shall be deemed to indicate the operation of a separate business, for which a separate licence is required.

8.11 If a person operates a single business in multiple different premises, each business is a separate business for licensing purposes, and the person operating those businesses must obtain a separate licence for each business.

Transfer a Business Licence

8.12 Every licence is a personal licence to the licensee and shall not be transferred to any other person.

Change a Business Licence

8.13 If any of the following changes occur, an application shall be made to the Authorized Person in accordance with this *Bylaw*.

- a) a change of ownership;
- b) a change in the location of the business premises or mailing address;
- c) the classification of the business;
- d) a change that would increase the licence fee payable in respect of the business;
- e) a change to the area of the premises upon which the business is carried out; and/or
- f) any alterations of the premises upon which the business is carried out.

Cease Business Operations

8.14 If a business ceases operations, the licensee shall notify the Authorized Person in writing that the licence is no longer required, and shall surrender the licence to the Authorized Person.

9. REFUSAL, SUSPENSION AND REVOCATION

9.1 Council delegates to the Authorized Person the authority to refuse an application or suspend or revoke a licence for reasonable cause by providing the applicant or licensee with:

- a) written notice of and reasons for the refusal, suspension, or revocation; and
- b) an opportunity to be heard by Council.

9.2 Without limiting what constitutes reasonable cause for the refusal of an application or the suspension or revocation of a licence, the following may constitute reasonable cause:

- a) the applicant or licensee fails to comply with this *Bylaw*;
- b) the applicant or licensee fails to comply with a term or condition of the licence;
- c) the applicant or licensee is convicted of an offence that, in the opinion of the Authorized Person, directly relates to the business;

- d) the applicant or licensee violates any *Bylaw* of the City, that is in the opinion of the Authorized Person, in any way related to the business or the business premises;
 - e) the applicant or licensee fails or ceases to meet the lawful requirements to carry on the business at the premises; or
 - f) the licensee has engaged in misconduct with respect to the business or the business premises, which in the opinion of the Authorized Person, warrants the suspension or revocation of the licence.
- 9.3 When exercising the authority to refuse, suspend, revoke or make a licence subject to terms and conditions, the Authorized Person may consider, without limitation, any information provided by another governmental authority in respect to that business or licence.
- 9.4 If the Authorized Person suspends a licence:
- a) the suspension is for such period of time as the Authorized Person may determine; and
 - b) the Authorized Person may impose additional terms and conditions that the licensee must meet in order to obtain a licence at the end of the suspension period.
- 9.5 If the Authorized Person suspends or revokes a licence, the Authorized Person must provide notice of the suspension, or revocation to the licensee pursuant to the notice provisions outlined in this *Bylaw*.
- 9.6 Notwithstanding the notice provisions in this *Bylaw*, the Authorized Person may post notice of the suspension or revocation of a licence upon the premises of the business for which the licence was issued, and such notice shall not be removed until:
- a) the licence is reinstated,
 - b) the licensee or former licensee ceases to occupy the premises; or
 - c) a different business begins operating in the premises.

Notice

- 9.7 The Authorized Person may deliver written notice to an applicant or licensee personally or by mail to the:
- a) corporation's registered office;
 - b) address provided on the application; and/or
 - c) the address on file for the licence.
- 9.8 Notice delivered in accordance with this section will be presumed received by the applicant or licensee the:
- a) date of personal delivery; and/or
 - b) seven (7) business days after notice was placed in the mail system.

Reconsideration by Council

- 9.9 If the Authorized Person refuses to grant, suspends, revokes, or imposes terms and conditions upon a licence, the applicant or licensee may request that:
- a) Council reconsider the Authorized Person's decision, within seven (7) business days of the date of receiving notice of the Authorized Person's decision; and
 - b) deliver to the Corporate Officer a written request stating the grounds upon which the request for reconsideration is based.
- 9.10 Upon receipt of the written request for reconsideration by the applicant or licensee, the reconsideration process will accord with the following process:
- a) the Authorized Person shall prepare and forward a report to both the applicant or licensee and Council. The report will set out the reasons for the Authorized Person's decision and will attach the applicant or licensee's written request for reconsideration.
 - b) Following receipt of the Authorized Person's report, the Corporate Officer will set a date and time for the Authorized Person, and the applicant or licensee to present to Council regarding the Authorized Person's decision. The Corporate Officer will inform the Authorized Person and the applicant or licensee of this date and time in writing.
 - c) Once the applicant or licensee has presented their reasons for appealing the Authorized Person's decision, Council shall review the decision proposed by the Authorized Person, and either confirm or set aside:
 - a. the refusal, suspension, or revocation of the licence; or
 - b. the terms and conditions imposed on the licence.
 - d) If Council elects to uphold the Authorized Person's decision to refuse, suspend, revoke, or impose terms and conditions on the applicant's application or the licensee's licence, the Corporate Officer will provide the applicant or licensee written notice of Council's decision.

10. SPECIFIC BUSINESS REGULATIONS

Adult-Only

- 10.1 Every business that is Adult-Only must:
- a) ensure that adult-orientated entertainment product or materials related to its business are not visible from outside of the premises; and
 - b) display a sign containing the words "Adults Only" in a prominent location on or near each entrance to the premises.

Carnival and Midway

- 10.2 Every business to operate a Carnival and Midway must provide written verification, satisfactory to the Authorized Person, that the business has obtained a comprehensive general liability insurance policy that:

- a) is in an amount not less than five million dollars (\$5,000,000) all-inclusive per occurrence for bodily injury, death and property damage or loss;
 - b) names the City as an additional insured; and
 - c) provides that the City will receive from the insurer at least thirty (30) days prior written notice of any proposed revocation or termination or material alteration to the policy.
- 10.3 Every business that operates an amusement park, circus, carnival or midway must maintain the insurance outlined in section 10.2 for as long as they operate the amusement park, circus, carnival or midway.

Passenger Directed Vehicles

- 10.4 Every business that operates a passenger directed vehicle must provide the Authorized Person:
- a) the name(s) of the vehicle owner(s), address of vehicle storage, and the motor vehicle licence number associated with that business.
 - b) If applicable, proof of approvals from the Passenger Transportation Board.

11. INSPECTION, ASSESSMENT AND ENFORCEMENT

- 11.1 The Authorized Person and/or Bylaw Enforcement Officer is authorized to enter, at any reasonable time, upon any premises in order to ascertain whether the provisions of this *Bylaw* are being obeyed or to enforce this *Bylaw*.
- 11.2 When entering on to a business premises, the Authorized Person and/or Bylaw Enforcement Officer shall carry proper credentials confirming his or her status as the Authorized Person and/or Bylaw Enforcement Officer.
- 11.3 At any time, the Authorized Person and/or Bylaw Enforcement Officer may require a licensee to provide proof of any certification, approval, or qualification that may be required by this *Bylaw*, or by a federal, provincial or municipal authority with respect to that business.
- 11.4 No person shall obstruct an Authorized Person and/or Bylaw Enforcement Officer engaged in the administration or enforcement of this *Bylaw*.

12. OFFENCE AND PENALTY

- 12.1 This *Bylaw* may be enforced by the *Offence Act*, a Bylaw Offence Notice in accordance with the *Local Government Bylaw Notice Enforcement Act*, or a combination of both methods.
- 12.2 A Bylaw Offence Notice shall be pursuant to the *Local Government Bylaw Notice Enforcement Act*, and the fines specified in the *Bylaw Notice Enforcement Bylaw*.
- 12.3 Except as otherwise provided in this *Bylaw* or the *City of Prince George Bylaw Notice Enforcement Bylaw*, any person who violates any of the provisions of this *Bylaw* or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this *Bylaw* shall be liable on summary conviction to a fine of not less than Two Thousand (\$2,000.00) and not exceeding Ten Thousand Dollars (\$10,000.00), the cost of

prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act*.

12.4 Each day on which any violation, contravention or breach of this *Bylaw* continues shall be deemed a separate offence.

13. SCHEDULES

13.1 Schedule "A" attached to this *Bylaw* is incorporated in and forms part of this *Bylaw*.

READ A FIRST TIME THIS THE **23RD** DAY OF **NOVEMBER** , 2020.

READ A SECOND TIME THIS THE **23RD** DAY OF **NOVEMBER** , 2020.

READ A THIRD TIME THIS THE **23RD** DAY OF **NOVEMBER** , 2020.

ALL THREE READINGS PASSED BY A **UNANIMOUS** DECISION OF MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

ADOPTED THIS THE _____ DAY OF _____ , 2020,
BY A DECISION OF ALL MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"
to Bylaw No. 9040, 2020

Business Licence Category

A

Accommodation

Adult-Only

B

Bed and Breakfast

C

Campground

Cannabis Production Facility/Retail

Carnival and Midway

Commercial Education

Commercial Recreation (< 1000 m² GFA)

Commercial Recreation (>1001 m² GFA)

Commercial Retail (< 1000 m² GFA)

Commercial Retail (>1001 m² GFA)

Commercial Service (<100 m² GFA)

Commercial Service (>101 m² GFA)

Community Care Facility

F

Financial Institution

Food Primary Establishment

G

Gaming Facility

H

Home Business 1

Home Business 2

Home Business 3

I

Industry, Light

Industry, Medium

Industry, Heavy

L

Liquor Primary Establishment

M

Manufactured Home Park

Mobile Business

N

Not-for-profit

O

Office

P

Parking Non-Accessory

Passenger Directed Vehicles

Pawn Shop/Second Hand Dealer

S

Service Station

V

Vehicle Rental

Vehicle Repair

Vehicle Sale

Vehicle Wash