

# **“Business Licence Bylaw 2021 No. 7318”**

*Consolidated Version*

2022-NOV-21

Includes Amendment: 7318.01

CITY OF NANAIMO

BYLAW NO. 7318

A BYLAW RESPECTING BUSINESS LICENCES

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Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited for all purposes as "Business Licence Bylaw 2021 No. 7318".

2. INTERPRETATION

In this Bylaw:

“Business”	means carrying on a commercial or industrial undertaking of any kind or providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government-owned corporations.
“Business Entity”	means a sole proprietorship, partnership, cooperative or limited company.
“Campground”	means a site intended for the temporary accommodation of travelers for vacation or recreational purposes in recreational vehicles or tents which are not occupied as principal residences.
"City"	means the City of Nanaimo.
“City Licence”	means a business licence issued by the Licence Inspector for operating a Business in or from a premises within the City.
“Commercial Landlord”	means a person who owns or operates any premises within City boundaries and leases, lets or rents such premises to any other person or entity for the purpose of operating a Business.
“Council”	means the municipal Council of the City.
“Escort Service”	means a Business which provides persons as escorts for social, business, cultural or recreational occasions, but does not mean a person providing assistance to another person because of that person’s age or disability.

"Flea Market/Craft Sale"	means a market where one or more persons sell or offer for sale crafts, handicrafts, or used goods, wares, merchandise or other items from individual booths or tables.
"Food Cart"	means a non-motorized mobile cart with a maximum area of 4.65m <sup>2</sup> from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use.
"Food Trailer"	means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages, but does not include a Food Cart.
"Food Truck"	means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food or beverages but does not include Food Trailers or Food Carts.
"Food Service Business"	means a Business primarily engaged in the sale of food and beverages for immediate public consumption on the premises of the Food Service Business.
"Hours of Operation"	means the hours that the Business is open for the public.
"Inter-Community Business Licence"	means a business licence issued for the purpose of conducting Business in a municipality that participates in the inter-community business licence program as described in the Inter-Community Business Licence Bylaw.
"Licence Inspector" or "Inspector"	means a person appointed as Licence Inspector or Deputy Licence Inspector by City Council.
"Liquor-Primary Establishment"	means a Business licensed under the <i>Liquor Control and Licensing Act</i> of British Columbia where the service of liquor is the primary focus of the Business.
"Mobile Business"	means a Business that performs or provides a service or activity by moving from client to client within the City, but does not include operating in another municipality.
"Mobile Food Vending"	means the operation of a Food Service Business from a Food Cart, Food Trailer or Food Truck.
"Non-Profit"	means an organization registered as a legal entity under Provincial or Federal legislation whose constitutional purposes do not include gain or profit.

- “Non-Resident Business” means a Business, other than a Business carried on, in or from premises within the City, that is carried on in the City or with respect to which any work or service is performed in the City.
- “Retail” means a Business where goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental to the public.
- “Special Event” means an event such as a concert, performance, festival, exhibition, trade show or similar business activity operating for 5 or fewer consecutive days.

- 2.2 Except as otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act* and *Interpretation Act*, as the context and circumstances may require. Every reference to a statute in this Bylaw refers to a statute of the Province of British Columbia and every reference to a statute, regulation or bylaw refers to that enactment as amended or replaced from time to time.
- 2.3 If any section, subsection, paragraph or subparagraph of this Bylaw is declared invalid by a court of competent jurisdiction, then the section, subsection, paragraph or subparagraph, as applicable, shall be severed from the Bylaw without affecting the remainder of the Bylaw.

### 3 BUSINESS LICENCE REQUIRED

- 3.1 A person, including without limitation a Non-Profit, must not carry on any Business in the City without first obtaining either a City Licence or a business licence issued by another Vancouver Island municipality to which the Inter-community Business Licence has been added.
- 3.1.1 Despite any other provision in this Bylaw, a business licence is not required for a Non-Profit if the business activity is carried on 12 or fewer days in a calendar year and all profit is dedicated to further the purposes of the association.
- 3.2 A separate City Licence is required for each location where a Business operates within the City.
- 3.2.1 For certainty, a Commercial Landlord must obtain a City Licence for each building identified by a separate civic address.
- 3.2.2 Notwithstanding Section 3.2, an operator of a Mobile Food Vending unit is only required to obtain one City Licence per vending unit in operation.
- 3.3 Every person who owns or operates a Business within the City must comply with this Bylaw, the City of Nanaimo Zoning Bylaw and other applicable bylaws, and with any and all terms, conditions, restrictions and limits of the required business licence.

- 3.4 A business licence issued under this Bylaw must not be construed as a representation by the City to the licence holder that the Business or proposed Business complies with any or all applicable bylaws or other enactments. It is the sole responsibility of the licence holder to ensure compliance with City bylaws and other standards, regulations and enactments.
- 3.5 A business licence issued under this Bylaw must not be construed as a representation by the City to patrons, consumers or members of the public that in issuing a business licence, the Business or proposed Business complies with any or all applicable bylaws or other enactments.

#### 4 BUSINESS LICENCE APPLICATION

- 4.1 A person applying for a business licence must submit an application to the Licence Inspector, providing complete, accurate and current information as required, on a form prescribed by the City, together with applicable business licence fees as outlined in the City's Fees and Charges Bylaw.
- 4.2 Every application, other than for a Non-Resident Business, a Special Event or a Mobile Food Vending business, must include a detailed description of the premises in or upon which the applicant intends to carry on Business.
- 4.3 Every application for a business licence must include the following information:
- (a) the full name and contact information of the applicant;
  - (b) the type and description of the Business, and related activities;
  - (c) the relationship of the applicant to the Business;
  - (d) the trade or operating name of the Business;
  - (e) if incorporated, the corporate name, address of its registered and records office, business telephone number and name of a corporate officer or manager who may be contacted;
  - (f) any Provincial or Federal enactments that apply to the Business, and whether applicable approvals under those enactments have been obtained;
  - (g) proposed date of commencement and times of operation; and must provide documentation of the above information at the request of the Licence Inspector.
- 4.4 When the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector must be submitted prior to the issuance of the licence.
- 4.5 If requested by the Inspector, the applicant must, at the expense of the applicant, undergo a criminal record search by a police force, or provide for the Licence Inspector to access records in the possession of the police, about the Business or its directors or operators that may be relevant to lawful operation of the Business.

5 BUSINESS LICENCE FEES

- 5.1 Business licence fees as established in the City's Fees and Charges Bylaw shall be paid in full to the City by the applicant at the time of application for the original licence.
- 5.2 Business licence fees for new businesses starting after the first, second, and third quarter periods of a business licensing period shall be pro-rated accordingly, except
- (a) temporary, Special Event and Mobile Food Vending businesses are not eligible for prorated fees.
  - (b) businesses that have closed and re-opened under the same business name and ownership are not eligible for prorated fees, regardless of how long the Business was not operating.
- 5.3 A business licence is not valid until it has been issued by the Licence Inspector and the licence fee has been paid.

6 REFUNDS

- 6.1 The City will refund business licence fees in full only where a business licence application is refused by the City.
- 6.2 Business licence fees are not refundable after the licence has been issued.

7 TERM OF A LICENCE

- 7.1 Regardless of the date it is issued, a business licence is valid for a calendar year and expires on the 31st day of December in each year except as indicated on the licence for a Business that is operated as a Special Event or on a temporary basis for 30 days or less.

8 CHANGE OF LICENCE

- 8.1 A licence holder must not change or operate in contravention to any condition upon which the business licence was originally issued, including the type or nature of the Business, goods or services provided, or business location, without first making an application and obtaining a new licence.
- 8.1.1 Despite Section 8.1, mobile food vendors, except for those located on private property, are not required to advise the Licence Inspector of a change in location.
- 8.2 A business licence is deemed to belong to the person to whom the licence was issued, and must not be transferred to any other person.
- 8.3 A licence holder must notify the City in writing of any change to information provided on the business licence application form.

9 BUSINESS LICENCE RENEWAL

- 9.1 Each business operator whose business activity is intended to or does continue in the year following issuance of their business licence must ensure that their business licence is renewed annually by December 31st, whether notice is given by the City or not, and the business operator must pay the annual renewal fee as set out in the City's Fees and Charges Bylaw.
- 9.2 If a licence is not renewed as required by this Bylaw, the licence shall be terminated and the licensee who wishes to continue to carry on the Business shall submit an application form and supporting documentation in the same manner as an application for an initial licence.
- 9.3 Business licence applications received as a result of the licence being terminated shall not be eligible for the prorated rate as laid out in Section 5.2 and shall pay any outstanding fees before the licence is reinstated.

10 AUTHORITY

- 10.1 The Licence Inspector may issue, suspend or cancel a business licence.
- 10.2 In accordance with Section 16 of the *Community Charter*, the Licence Inspector, a bylaw enforcement officer or other person employed by the City and designated by the Inspector may enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this Bylaw are being met, and as the Inspector considers warranted, may be accompanied and assisted by a police officer, a public health official, a member of the City's Fire Department, a building inspector, or a person who, in the opinion of the Inspector, has the knowledge, skill or expertise relevant to making a determination as to matters pertaining to the Business at issue.
- 10.3 The Licence Inspector may require confirmation or approval, in a form satisfactory to the Licence Inspector, that the Business will be operated in a safe and lawful manner from any or all of the following:
- (a) a public health official,
  - (b) the Royal Canadian Mounted Police,
  - (c) officials of the City's Fire, Building Inspections or Planning departments respecting a business licence application or operation, and in such cases, Licence Inspector may refuse to issue the business licence until such confirmation or approvals are received from those officials.

11 REFUSAL, SUSPENSION OR CANCELLATION OF BUSINESS LICENCE

- 11.1 The Licence Inspector may refuse to issue a business licence in any specific case, provided that a business licence shall not be unreasonably refused.
- 11.2 The Licence Inspector may suspend or cancel a licence for reasonable cause including, but not limited to, failure to comply with a term or condition of a business

licence or failure to comply with this or any other City bylaw or other enactment applicable to the operation of the Business.

- 11.3 In the case of refusal, suspension or cancellation of a business licence by the Licence Inspector, the Licence Inspector will advise the applicant or licence holder of the right to reconsideration by Council, and on request, will provide written reasons for the decision to refuse, suspend or cancel the licence.
- 11.4 A person must not carry on a Business for which a business licence is required by this bylaw during a period of suspension of such business licence or if the licence has been cancelled.

12 APPEAL OF DECISION OF LICENCE INSPECTOR *(Bylaw 7318.01)*

- 12.1 Any person who has been refused a licence, or whose licence has been suspended or cancelled may arrange for Council to reconsider the decision by giving written notice of appeal to the Corporate Officer as outlined in the “Appeals Procedure Bylaw, 2022 No. 7354” as amended from time to time.
- 12.2 The person subject to Council’s decision must comply with any terms, restrictions and requirements imposed by Council.

13 POSTING LICENCE

- 13.1 A licence holder shall post and keep continuously displayed the licence issued under this Bylaw in a conspicuous area of the premises to which the public has access or in another area designated by the Licence Inspector.

14 OFFENCE AND PENALTY

- 14.1 Every person who:
- (a) contravenes or violates any of the provisions of this Bylaw,
  - (b) causes, suffers or allows any act of thing to be done in contravention or in violation of any of the provisions of this Bylaw,
  - (c) neglects or refrains from doing anything required to be done under this Bylaw, or a licence issued under this Bylaw, commits an offence, and each day that the offence continues amounts to a separate offence.



14.2 On being found guilty of an offence, a person is liable to pay:

- (a) if a proceeding is brought under the *Offence Act*, a fine not exceeding \$50,000, the costs incurred by the City in investigating and prosecuting, and compensation for any damage or loss sustained by the City or other person because of the commission of the offence, as may be ordered by the Provincial Court; or
- (b) if issued a bylaw notice under the Bylaw Notice Enforcement Bylaw 2012 No. 7159, the person is liable to pay the maximum penalty set out in that bylaw and an applicable administration fee as authorized under the *Local Government Bylaw Notice Enforcement Act*.

15 SCHEDULES

15.1 Schedules A, B, C, D and E to this Bylaw form part of and are enforceable in the same manner as this Bylaw.

16 REPEAL

"Business Licence Bylaw 1998 No. 5351" and all amendments thereto are repealed upon adoption of this Bylaw.

17. EFFECTIVE DATE

This Bylaw comes into force on January 1, 2022.

PASSED FIRST READING: 2021-OCT-04

PASSED SECOND READING: 2021-OCT-04

PASSED THIRD READING: 2021-OCT-04

Notice of intention to proceed with this Bylaw was published on this 20<sup>th</sup> day of October, 2021, and 27<sup>th</sup> day of October, 2021, in the *Nanaimo News Bulletin* newspaper, circulating in the City of Nanaimo pursuant to Section 59 (2) of the *Community Charter*.

ADOPTED: 2021-NOV-01

## SCHEDULE A

### SPECIFIC BUSINESS REGULATIONS

#### 1. **Accommodation and Food Services**

No Business Entity shall sell, offer for trade, sale or distribution, shark fins or their derivative within the City.

#### 2. **Adult Store**

- (a) No person carrying on the business of an adult entertainment store shall permit any person to be on the premises at any time unless such a person is deemed to have reached the age of majority.
- (b) No person carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited any graphic sexual material or sex paraphernalia that is visible from the outside of the premises.

#### 3. **Assisted Living Residence**

In accordance with the *Community Care and Assisted Living Act*, any person(s) operating an assisted living residence for three or more unrelated adults, must first obtain approval and be licensed to operate through the Ministry of Health (British Columbia).

#### 4. **Blasting Contractors**

Every Business Entity carrying out activities involving the use of explosives shall provide the Licence Inspector with a certified copy of:

- (a) Liability insurance coverage in the amount of \$2,000,000; and
- (b) Worker's Compensation Board certification.

#### 5. **Campgrounds**

Every Business Entity that carries on a campground business must maintain a register that is kept onsite, updated daily and shall be made available to the Licence Inspector and BC Assessment Authority personnel for inspection, immediately upon request. The register must provide:

- (a) the make, model, year and vehicle licence plate number of any recreational vehicle located within the campground;
- (b) the site or location assigned to the recreational vehicle or tent;
- (c) the name and home address of the person who brought the recreational vehicle or tent to the campground; and
- (d) the date the recreational vehicle or tent first entered the campground and every date thereafter that the recreational vehicle or tent was located within the campground.

**6. Cannabis – Cultivation, Processing, Testing, Research**

- (a) Every Business Entity that carries on business pertaining to cannabis cultivation, processing, analytical testing or research must provide proof that the operation is approved by Health Canada before a business licence can be issued.
- (b) Every Business Entity that carries on business pertaining to cannabis research and if said business relocates after a business licence has been issued, must provide proof that Health Canada has approved the new business location.
- (c) Every Business Entity that carries on business pertaining to cannabis research and remains operating after five years, must provide proof that Health Canada has renewed its research licence.

**7. Commercial Landlord**

As a condition of continuing to hold a business licence in respect of carrying on business as a Commercial Landlord, no business licence holder or operator shall permit a commercial tenant or renter to carry on business on the same business premises without the tenant or renter holding a valid business licence.

**8. Contractors and Developers**

A building/construction contractor or land developer shall supply to the Licence Inspector a written list of the names, addresses and telephone numbers of the sub trades in the form prescribed in Schedule 'B' to this bylaw.

**9. Escort Service**

A person carrying on the business of operating an escort service must not:

- (a) employ any persons under the age of 19 years of age; or
- (b) make any reference to specific sexual activity in any advertisement.

**10. Flea Market/Craft Sales**

- (a) A person operating a Flea Market or Craft Sale must obtain a valid business licence for the premises where the Flea Market or Craft Sale is to be held or conducted.
- (b) A business licence for each user or occupier is not required if the operator of the Flea Market or Craft Sale holds a valid business licence for that location.

**11. Liquor-Primary Establishment**

A person operating a business that is required to be licensed as a Liquor-Primary Establishment is required to adhere to the following:

- (a) Patron behaviour control, both inside and outside a licensed establishment, including but not limited to:
  - 1. Orderly entrance and disbursal
  - 2. Noise
  - 3. Vandalism
  - 4. Unlawful activities
  - 5. Nuisance behaviour.

- (b) Safety and security of patrons and the public both inside and outside the licensed establishment, including but not limited to:
  - 1. Patron screening and door control
  - 2. Provision of security staff and monitoring conduct of patrons
  - 3. Full cooperation with the RCMP and City staff in the performance of their duties and in resolving concerns related to the establishment that may arise
  - 4. The wearing of identification nameplates by on-duty staff and asking the list available to the RCMP and City staff upon request.
  
- (c) Responsible service of alcoholic beverages including but not limited to:
  - 1. Over-service of patrons
  - 2. Patron capacity
  - 3. Price reductions and promotions
  - 4. Free telephone available for making transportation arrangements
  - 5. Designated Driver Program, including the sale of non-alcoholic beverages.
  
- (d) Condition of premises and nearby surrounding area including but not limited to:
  - 1. Exterior condition and appearance of premises
  - 2. Inspection and cleanup of litter.
  
- (e) Entertainment
  - 1. Stripping and exotic dancing are only permitted in establishments that are zoned for this activity
  - 2. When permitted, advertising must not be offensive to the general community.
  
- (f) Good Neighbour Agreement
  - 1. A Good Neighbour Agreement substantially in the form set out in Schedule 'C' of this bylaw may be required and, when signed by the Licence Inspector, the Agreement will become a condition of the business licence.

## **12. Mobile Food Vending**

- (a) A person intending to carry on a Mobile Food Vending business within the City must first obtain and maintain a valid Mobile Food Vending licence for each Mobile Food Vending unit in operation.
  
- (b) A person applying for a Mobile Food Vending licence must provide the Licence Inspector with documents proving that the following permissions have been obtained, and regulations met:
  - 1. Island Health Authority approval
  - 2. Technical Safety BC approval
  - 3. Motor vehicle insurance (Food Trucks and Food Trailers)
  - 4. Discharge Management Plan that describes how and where fats, oils and grease will be disposed
  - 5. Liability insurance coverage which meets the following minimum requirements:
    - (i) Inclusive limit of \$2,000,000 and Public Liability & Property Damage
    - (ii) Cross liability clause
    - (iii) City named as joint insured under the policy
    - (iv) Provide that the coverage under the policy cannot be canceled or any provisions changed or deleted unless thirty days' prior written notice is given to the City by the Insurer.

- (c) Specified Mobile Food Vending locations shall be designated as follows:
  - 1. on-street locations: daily, on a first come, first served basis
  - 2. City park locations: through an online scheduling process
  - 3. Food Cart locations: daily, on a first come, first served basis.
- (d) Before commencing operations on private property, a Mobile Food Vending business operator must first supply the Licence Inspector with a written letter of permission from the owner of the property on which the vendor will be locating.
- (e) A person must not carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule 'D'.
- (f) A person carrying on a Mobile Food Vending business must comply with the regulations set out in Schedule 'D' of this bylaw.

### **13. Retail**

The operator of a business where goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental to the public on a Retail basis must adhere to the following:

- (a) The Hours of Operation of all Retail businesses within the area shaded on Schedule 'E' are restricted to the hours between 6:00 a.m. and 11:00 p.m.
- (b) Despite paragraph (a), a Retail business may extend its Hours of Operation beyond the restricted times from midnight on the first day until 6:00 a.m. the following day on two occasions during each calendar year.
- (c) Despite paragraph (a), restricted hours do not apply to a Food Service Business or a pub.

### **14. Security Services**

As a condition of issuance of a business licence in respect of carrying on the business of watching, guarding or patrolling for the protection of persons or property, or as a private detective, the Licence Inspector may require each person involved in the business to:

- (a) hold a licence as set out in the *Security Services Act*; and
- (b) provide confirmation of a satisfactory criminal record check.

### **15. Special Events**

- (a) A person intending to hold a Special Event must obtain a Special Event City Licence for the location where the Special Event is to be held or conducted.
- (b) A business licence for each user or occupier is not required if the organizer of the Special Event holds a valid business licence for that location.
- (c) If the applicant for a Special Event licence is a registered charitable organization, the licence fee is waived.

SCHEDULE B

SUB-TRADE LIST

GENERAL CONTRACTOR: \_\_\_\_\_

BUSINESS LICENCE NO.: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

BUILDING PERMIT NO.: \_\_\_\_\_

SUB-TRADE	TRADE NAME	OWNER'S NAME	ADDRESS	PHONE #
Excavating				
Concrete / forms				
Framing				
Roofing				
Doors and windows				
Insulation				
Electrical				
Plumbing				
Drywall				
Painting				
Heating & air conditioning				
Flooring				
Mechanical equipment installation				
Landscaping				
Masonry / bricklaying				
Metalwork				
Exterior finishing				

## SCHEDULE C



### CITY OF NANAIMO

# GOOD NEIGHBOUR AGREEMENT

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WHEREAS the City of Nanaimo ("the City"), the RCMP Nanaimo Detachment ("the RCMP") and the Owners of \_\_\_\_\_ ("the Licensed Establishment") (collectively "the Parties") recognize that liquor-licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

WHEREAS the Licensed Establishment wishes to demonstrate to the citizens of Nanaimo its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Nanaimo as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

NOW THEREFORE the Licensed Establishment agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

#### **Noise and Disorder**

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the City of Nanaimo *Noise Control Bylaw*.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours, as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
  - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

#### **Criminal Activity**

3. The Licensed Establishment shall not knowingly allow any criminal activity within the Establishment.
  - 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that items of contraband, including weapons and controlled substances, are not brought onto the premises.

### **Minors**

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
  - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

### **Sale and Consumption of Alcohol**

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall not offer deep discounts (i.e., "cheap drinks") or across-the-board discounts.
  - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

### **On-Duty Employees**

7. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
8. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

### **Cleanliness**

9. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.
10. The Licensed Establishment shall undertake to remove, as soon as is practicable, any graffiti from the building's exterior.
11. The Licensed Establishment agrees to work with the City and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
  - 11.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the City and the RCMP to discuss issues and concerns.
12. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
  - 12.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.



13. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee.
14. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Nanaimo Bar Watch Program.
15. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
  - 15.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
  - 15.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

#### **Amendment and Transferability**

16. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

#### **Enforcement**

17. Obtaining a business licence is contingent upon accepting and signing this Agreement; notwithstanding this fact, the Parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
  - 17.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
    - (a) the City will attempt to resolve the matter by requesting a meeting with the licensee.

If the matter is not satisfactorily resolved during a meeting, the City will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
    - (b) Continued non-compliance may be brought to the attention of City Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension of their business licence.

It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

18. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_, in Nanaimo, British Columbia.

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Licence Inspector

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Mayor  
City of Nanaimo

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OFFICER IN CHARGE  
Nanaimo Detachment, RCMP

## SCHEDULE D

### MOBILE FOOD VENDING

#### 1. GENERAL REGULATIONS

- 1.1 The Mobile Food Vending unit shall be maintained and be in good sanitary condition at all times.
- 1.2 The Mobile Food Vending unit shall supply its own power and water source. Generators used to provide power are only permitted if they do not create a disturbance.
- 1.3 No form of music or voice amplifying device will be permitted. All soliciting will be done at a level speaking voice with no shouting.
- 1.4 Vendors shall provide proper waste and recycling receptacles adequate to ensure the cleanliness of the adjacent area; and must clean up the surrounding area within a 10 metre radius after service at a location; and shall be responsible for removal of all collected garbage from the location.
- 1.5 Placement of any furniture (i.e. tables, chairs, benches, counters, etc.) associated with the Mobile Food Vending unit is not permitted in on-street locations.
- 1.6 Clearance on all sides of the Mobile Food Vending unit must be maintained such that pedestrians are able to easily and safely pass by without congestion.
- 1.7 Operation of the Mobile Food Vending unit shall be conducted in a manner that does not restrict or interfere with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by fire, police, or sanitation vehicles.
- 1.8 Vendors shall attend the Mobile Food Vending unit at all times.
- 1.9 Overnight storage of the Mobile Food Vending unit on public property is prohibited.
- 1.10 Mobile Food Vending in public locations will be permitted during the following hours:
  - (a) On-street locations: 7:00 a.m. to 10:00 p.m.
  - (b) Parks: during park opening hours
  - (c) Diana Krall Plaza: 7:00 a.m. to 3:00 a.m.

#### 2. FOOD TRUCKS & FOOD TRAILERS

##### Size and Configuration:

- 2.1 A Food Truck or Food Trailer shall be no more than:
  - (a) 2.5 metres in width; and,
  - (b) 8 metres in length.
- 2.2 Service windows shall be oriented towards the sidewalk; service windows that face the street are not permitted.

- 2.3 In on-street locations, sign boards are to be placed against the Food Truck or Food Trailer to avoid any obstructions to vehicles or pedestrians.

Parking:

- 2.4 Food Trucks and Food Trailers may only park in legal parking spaces or in designated locations in parks.
- 2.5 Food Trucks and Food Trailers shall not operate in angle or nose-in parking stalls unless in a designated location in a park.
- 2.6 Food Trucks and Food Trailers are exempt from hourly parking limits on city roadways where applicable.
- 2.7 On-street parking spaces will not be reserved for Food Trucks or Food Trailers, and will be open for public use when the Food Truck or Food Trailer is not present.
- 2.8 Food Trucks and Food Trailers must be open for business at all times when parked in a designated on-street Food Truck location.

Locations:

- 2.9 Food Trucks may operate only in specified areas in Table 1 and Maps 1, 2, and 3 in this Schedule.
- 2.10 Food Trailers may operate only in specified areas in Table 1 of this Schedule: they are not permitted to operate in on-street locations.
- 2.11 Notwithstanding Subsections 2.9. and 2.10., Food Trucks must not be operated within:
- (a) 15 metres of an existing permanent food service establishment;
  - (b) 100 metres of any elementary school;
  - (c) 150 metres of a Special Event or festival (except where permission from the event coordinator has been obtained);
  - (d) 10 metres of any intersection, crosswalk or bus stop; or
  - (e) any residentially zoned area.

3. FOOD CARTS

- 3.1 Food carts must be hand propelled, but may be delivered to their site by vehicle.
- 3.2 A maximum of one additional employee will be permitted to assist the operator of a Food Cart at any time.
- 3.3 Food Carts are permitted in the following locations:
- (a) Fixed Locations
    - (i) Dallas Square;
    - (ii) Church Street and Chapel Street;
    - (iii) China Steps;
    - (iv) City of Nanaimo parks as authorized by the Director of Parks and Recreation or other location authorized from time to time by the Licence Inspector;
    - (v) Specified parks in Table I of this Schedule;

(b) Special Zones

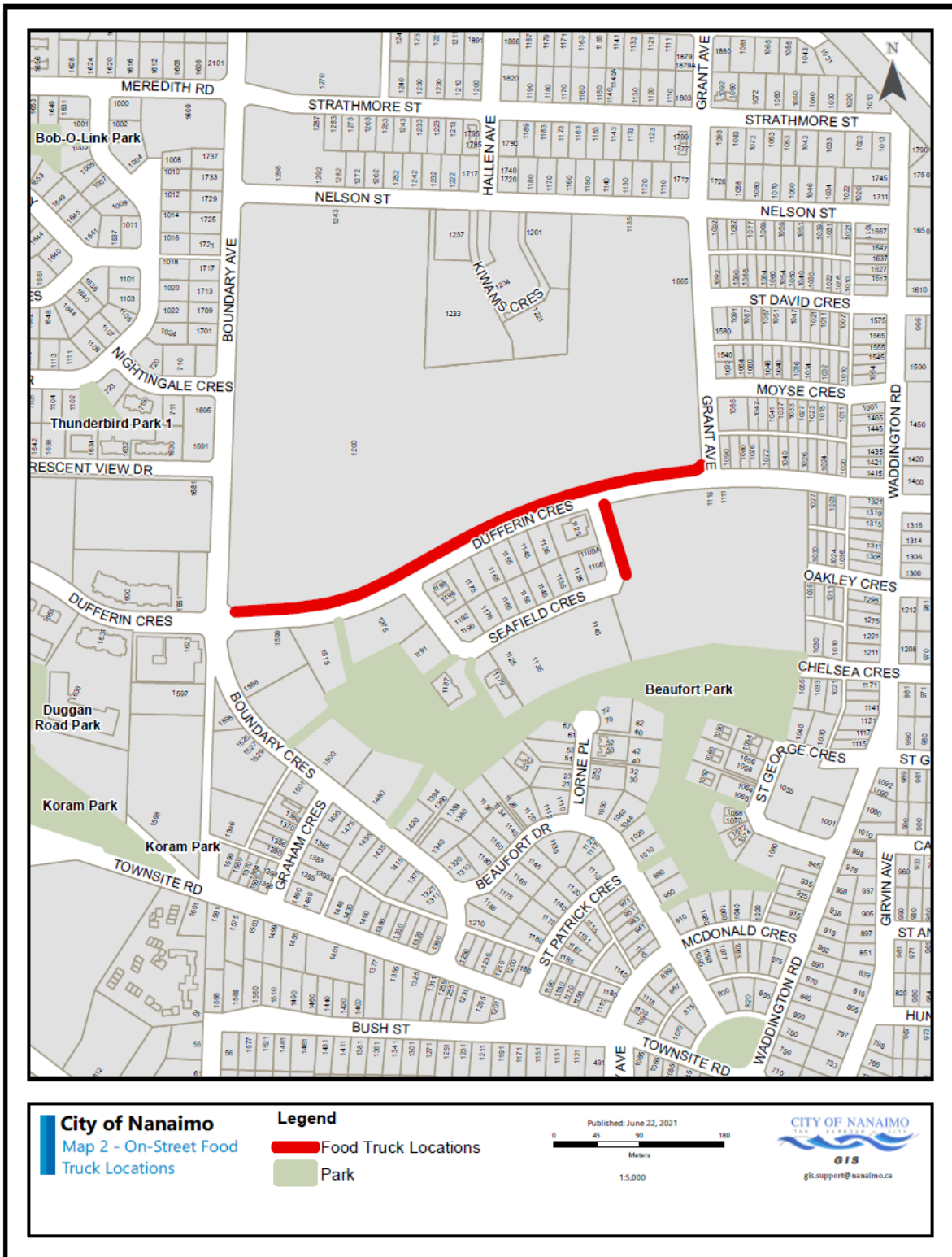
- (i) Stewart Avenue - from Newcastle Avenue to Zorkin Road;
- (ii) Queen Elizabeth Promenade;
- (iii) Other location authorized from time to time by the Licence Inspector;

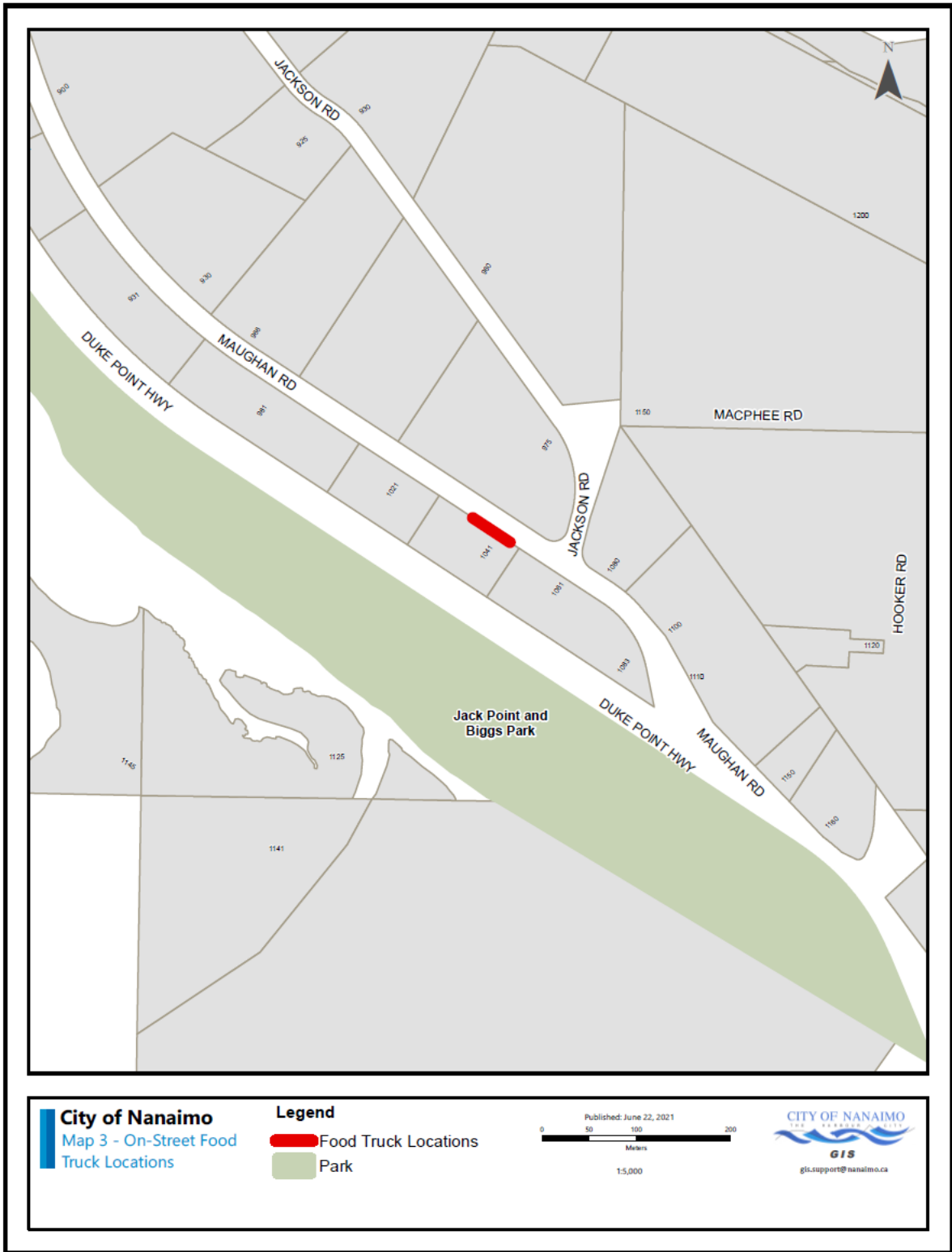
3.4 Special Zones:

- (a) Food Carts may be stopped for the purpose of directly dealing with a customer, but must resume moving immediately upon conclusion of a sale, and otherwise remain in motion at all times.
- (b) Food Carts are not permitted on the driven portion of a highway, except to cross at an intersection.

TABLE I – PERMITTED MOBILE FOOD VENDING LOCATIONS IN CITY PARKS	
At designated locations in the following city parks as authorized by the Director of Parks and Recreation:	
Bowen Park East Parking Lot	2 vendors
Brechin Boat Ramp	2 vendors
Departure Bay	3 vendors
Diana Krall Plaza	3 vendors
Harewood Centennial Park	3 vendors
Larry McNabb Sports Zone	1 vendor
Loudon Park	1 vendor
Maffeo Sutton Park	6 vendors
May Richards Bennett Pioneer Park	2 vendors
Merle Logan Field	2 vendors
Pipers Lagoon Park	1 vendor
Westwood Lake Park	2 vendors









SCHEDULE E

