“BUSINESS LICENCE BYLAW 1998 NO. 5351”

Consolidated Version

2018-OCT-15

Includes Amendments: 5359, 5442, 5494, 5702, 5713, 5351.06, 5351.08, 5351.09, 5351.10, 5351.11, 5351.12, 5351.13
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WHEREAS the 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 1998 NO. 5351".

2. Definitions

“Business” means:
(a) carrying on a commercial or industrial undertaking of any kind, or
(b) providing professional, personal or other services for the purpose of gain or profit.

“Business Entity” includes any 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.

"Carrying On A Business" means selling, bartering or advertising for sale, any product or service for profit or gain.

"City" means the City of Nanaimo.

“Escort Service” means a business which provides persons as escorts for social, business, cultural or recreational occasions.

“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"  
(Bylaw 5351.12 – effective 2016-MAR-01)  
means a non-motorized mobile cart with a maximum area of 4.65m², 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"  
(Bylaw 5351.12 – effective 2016-MAR-01)  
means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages but does not include food carts.

"Food Truck"  
(Bylaw 5351.12 – effective 2016-MAR-01)  
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. (Bylaw 5442)

"Hours of Operation"  
means the hours that the business is open for the public. (Bylaw 5442)

“Licence Inspector”  
means a person appointed as Licence Inspector or Deputy Licence Inspector by City Council.

“Licencee”  
means a business entity which holds a licence to operate a business within the City of Nanaimo under this bylaw.

“Liquor Licenced Establishment”  
means a Liquor business licenced under the Liquor Control and Licensing Act of British Columbia”. (Bylaws 5702, 5713)

"Location"  
includes stores, offices, warehouses, factory buildings, houses, enclosures, yards or other places occupied, or capable of being occupied by a business entity for the purpose of carrying on a business.

"Mobile Food Vending"  
(Bylaw 5351.12 – effective 2016-MAR-01)  
means the operation of a food service business from a food cart, food trailer or food truck.

“Post”  
includes the act of keeping continuously displayed. (Bylaw 5351.10)

"Premises"  
includes stores, offices, warehouses, factory buildings, houses, enclosures, yards or other places occupied, or capable of being occupied by a business entity for the purpose of carrying on a business.
“Proprietor” means the person who controls, governs or directs the activities carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof. *(Bylaw 5351.10)*

"Pub" means a business primarily engaged in the sale of alcoholic beverages to the public. *(Bylaw 5442)*

"Rave" includes dance, entertainment, performance or other event, commencing or continuing after 2:00 A.M.; or an event the duration of which is in excess of six hours, where 20 or more persons assemble at any time and that is undertaken without obtaining a Liquor Licence issued under the *Liquor Control and Licensing Act*. *(Bylaw 5494)*

"Retail" means a business where goods, wares, merchandise, substances, articles or things are offered or kept for sale or rental to the public and not for resale. *(Bylaw 5442)*

“Sign” any structure, painting or device that identifies, describes, promotes, advertises or directs. *(Bylaw 5351.10 – effective 2014-JAN-01)*

“Special Event” means a temporary extraordinary event which operates for five (5) or fewer consecutive days, as approved by the Licence Inspector.

“Temporary Business” means a business that does not operate for more than 30 days in a calendar year.

“Trade Show” means an event carried on to promote and sell products from a fixed premises, the activity of which is intended to promote further sales; and which does not operate for more than five (5) consecutive days at a time.

"Video Store" means a business primarily engaged in the rental of videos to the public. *(Bylaw 5442)*

3. **Requirement for Business Licence**

3.1 Subject to the *Municipal Act*, any business entity carrying on business in Nanaimo must hold a valid City of Nanaimo business licence.

3.2 A separate licence is required for each location where a business operates within Nanaimo.
   (a) mobile food vending units require only one Mobile Food Vending Licence per vending unit in operation. *(Bylaw 5351.12 – effective 2016-MAR-01)*
3.3 A valid licence will permit a business to carry on the specific activities described in the licence application. A licencee must not carry on activities which contravene the provisions of their business licence or any provisions of this bylaw. When a business entity undertakes new activities, a new business licence may be required.

3.4 A licence issued under this bylaw is not to be deemed to be a representation by the municipality to the licencee that the business or proposed business complies with any or all applicable bylaws or other enactments and the licencee is responsible to ensure compliance with bylaws and other enactments.

3.5 A not-for-profit organization registered as a society is not required to obtain a business licence.

4. Section 4 deleted in its entirety. (Bylaw 5359)

5. Licence Fee

5.1 Every business in the City must hold a valid business licence. A licence is not valid until it has been issued by the Licence Inspector and the licence fee has been paid.

5.2 An applicant for a business licence must pay to the City the applicable licence fee for that business as set out in Schedule ‘A’ of this Bylaw. No licence shall be issued until the fee is paid. (Bylaw 5359)

5.3 The applicable licence fee must be paid:
   (a) at the time of application for the original business licence; and
   (b) on or before the expiration date of the current licence if the business is to be carried on beyond the date when the current licence expires.

5.4 Unless a licence is denied, no licence fee paid under this Bylaw shall be refundable.

5.5 Where more than one business activity is carried out by a single business entity at any single location, only one business licence will be required for that location. The fee for this licence will be the highest of any single fee that would otherwise apply.

5.6 In the first year that a business entity applies for a licence, the licence fee prescribed for that business in Schedule ‘A’ shall be prorated, depending on the date that the business commences:

   January 1 to March 31 - 100% of the fee shall apply
   April 1 to June 30  - 75% of the fee shall apply
   July 1 to September 30 - 50% of the fee shall apply
   October 1 to December 31 - 25% of the fee shall apply

Temporary businesses and Mobile Food Vending businesses identified in Table II and Table III of Schedule ‘A’ of this bylaw shall not be eligible for prorated fees. (Bylaw 5351.12 – effective 2016-MAR-01)
5.7 The licencee shall notify the Licence Inspector of any change regarding the Business Licence and as a result of the change, shall pay any additional fees required by this Bylaw.

6. **Term of a Licence**

Licences required by this Bylaw are issued for a calendar year and will expire on the 31st day of December in each year unless otherwise indicated on the business licence.

7. **Change of Licence**

7.1 Every licencee shall notify the Licence Inspector in writing of:
   (a) Any change in the type or nature of the business.
   (b) Any change in the type or nature of the goods or services provided.
   (c) Any change in location.
   (d) Any change of owner.

7.2 When a licencee undertakes activities that are not included in the existing licence, a new business licence application must be completed.

7.3 A licence granted under this Bylaw shall be deemed to belong to the business entity and shall not be transferable to any other business entity.

7.4 When a business changes location, a new licence must be obtained before business may be carried on from the new location.
   (a) Notwithstanding Subsection 7.4, only mobile food vendors located on private property need notify the Licence Inspector in writing of a change in location. *(Bylaw 5351.12 – effective 2016-MAR-01)*

7.5 A licencee shall notify the Licence Inspector, in writing, when the licence is no longer required.

8. **Regulations**

The following classes of businesses are subject to the following regulations:

8.1 “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 two millions dollars ($2,000,000.00).
   (b) Worker’s Compensation Branch certification.

8.2 “Campgrounds”
8.2.1 Every business entity that carries on a campground business must maintain a register showing:
(a) the make, model, year and vehicle license 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;
(d) the date on which the recreational vehicle or tent first entered the campground and every date thereafter during which the recreational vehicle or tent was located within the campground.

8.2.2 The register required by Section 8.2.1 shall be kept on the site of the campground business and updated daily, and shall be made available to the Licence Inspector and B. C. Assessment personnel for inspection, immediately upon request.

8.3 “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 his or her sub trades in the form prescribed in Schedule 'B' to the Bylaw.

8.4 “Escort Service”

8.4.1 Every business entity carrying on the business of operating a social escort service must:
(a) supply the R.C.M.P. with the name, age, address and general description of every person proposed to be employed or engaged in the business together with any additional information that the R.C.M.P. may require;
(b) notify the R.C.M.P. within twenty-four (24) hours of any change in the personnel employed in the business;
(c) maintain to the satisfaction of the R.C.M.P. a written record of every request to provide an escort or partner giving the name and address of the person requesting the service together with the name of the escort or partner recommended and the function to be attended. This record must be provided to the R.C.M.P. immediately upon request.

8.4.2 A business entity carrying on the business of operating an escort service must not:
(a) employ any persons under the age of nineteen (19) years of age;
(b) make any references to specific sexual activity in any advertisement.

8.5 “Flea Market/Craft Sales”

8.5.1 A business entity must obtain a valid business licence for the premises where the flea market or craft sale is to be held or conducted.

8.5.2 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.
8.6 “Special Events”

8.6.1 A business entity must obtain a valid business licence for the location where a special event is to be held or conducted.

8.6.2 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.

8.6.3 The Licence Inspector may waive the licence fee for a special event where the organizer is a not-for-profit organization and the purpose of the event is to raise funds for charitable purposes.

8.7 “Mobile Food Vending” *(Bylaw 5351.12 – effective 2016-MAR-01)*

8.7.1 All business entities carrying on a Mobile Food Vending business within the City of Nanaimo must first obtain and maintain a valid Mobile Food Vending Licence for each mobile food vending unit in operation.

8.7.2 Proof that the following permissions have been obtained, and regulations met, must be provided prior to the issuance of the Mobile Food Vending Licence:

(a) Island Health Approval
(b) BC Safety Authority Approval
(c) Proof of Motor Vehicle Insurance (food trucks and food trailers)
(d) Proof of 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 of Nanaimo 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.
(e) Discharge Management Plan that describes how and where fats, oils and grease will be disposed.

8.7.3 Specified mobile food vending locations shall be designated as follows:

(a) On-street locations: daily, on a first come, first served basis;
(b) City park locations: through an online scheduling process; and,
(c) Food cart locations: daily, on a first come, first served basis.(5351.13)

8.7.4 Before commencing operations on private property, a Mobile Food Vending business 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.

8.7.5 A business entity must not carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule ‘E’.
8.7.6 A business entity carrying on a Mobile Food Vending business must comply with the regulations set out in Schedule 'E' of this Bylaw.

8.8 “Trade Shows”

8.8.1 The business entity organizing a trade show must obtain a valid business licence for the location where the trade show is to be held.

8.8.2 A business licence for each exhibitor is not required if the organizer of the trade show holds a valid business licence for that location.

8.9 “Retail” (Bylaw 5442)

8.9.1. The hours of operation of all retail businesses within the area shaded on Schedule 'F' are restricted to the hours between 6:00 a.m. and 11:00 p.m.

8.9.2. On two occasions during each calendar year a retail business may extend its hours of operation beyond the times restricted by the bylaw (i.e. 6:00 a.m. to 11:00 p.m.) from midnight on the first day until 6:00 a.m. on the following days."

8.9.3 Section 8.9.1 does not apply to food service businesses, a pub, or a video store.

8.10 “Raves” (Bylaw 5494)

8.10.1 Business entity means a person organizing a Rave for profit or gain.

8.10.2 A Business Licence for a Rave shall be issued for a period of 24 hours.

8.10.3 A separate licence is required for each Rave.

8.10.4 No business entity shall organize a Rave without first obtaining a valid business licence for the location where the Rave is to be held.

8.10.5 An application for a Rave Licence must be made at least 14 days before the Rave is to be held.

8.10.6 The business entity organizing a Rave must provide to the Officer in Charge of the Nanaimo R.C.M.P. detachment a security plan which includes:

(a) a first aid plan
(b) entrance control to ensure that alcohol or illicit drugs are not on the premises
(c) clean up of the area during and after the event
(d) employment of a security company licenced by the Province of B.C.
8.10.7 The business entity organizing a Rave must provide a supply of potable water, available to participants at no charge, at all times on the premises where the Rave is being held.

8.10.8 The premises where a Rave is held must meet all applicable enactments relating to fire safety.

8.11 “Liquor Licensed Establishments” (Bylaws 5351.11, 5702, 5713)

8.11.1 City Council is hereby authorized to impose such terms and conditions as it considers reasonable on a licence under this Bylaw for a business licenced under the Liquor Control and Licensing Act of British Columbia, and, without limiting the generality of the foregoing, may impose terms and conditions in the nature of:

(a) patron behaviour both inside and outside a licenced establishment, including but not limited to:
   (i) orderly entrance and disbursal,
   (ii) noise,
   (iii) vandalism,
   (iv) unlawful activities,
   (v) nuisance behaviour.

(b) safety and security of patrons and the public both inside and outside the licenced establishment, including but not limited to:
   (i) patron screening and door control,
   (ii) provision of security staff and monitoring conduct of patrons,
   (iii) full cooperation with the R.C.M.P. and City Staff in the performance of their duties and in resolving concerns related to the establishment that may arise,
   (iv) the wearing of identification nameplates by on-duty staff,
   (v) maintaining a list showing the full identification of on-duty staff and making the list available to the R.C.M.P. and City Staff upon request.

(c) responsible serving of alcoholic beverages including but not limited to:
   (i) over-service of patrons,
   (ii) patron capacity,
   (iii) price reductions and promotions,
   (iv) free telephone available for making transportation arrangements,
   (v) Designated Driver Program, including the sale of non-alcoholic beverages at prices which are below those set for alcoholic beverages.

(d) condition of premises and nearby surrounding area including but not limited to:
   (i) exterior condition and appearance of premises,
   (ii) inspection and cleanup of litter.

(e) entertainment
   (i) stripping and exotic dancing are only permitted in establishments that are zoned for this activity,
   (ii) when permitted, advertising must not be offensive to the general community.

(f) participation in the Nanaimo Hospitality Industry Liquor Licensing Committee.
8.11.2 Deleted in its entirety. *(Bylaw 5351.11)*

8.11.3 *(Bylaw 5351.10)* Provisions for the warning of the dangers of Fetal Alcohol Spectrum Disorder (FASD), a continuum of permanent birth defects caused by maternal consumption of alcohol during pregnancy, which includes, but is not limited to FASD. The proprietor of every Liquor-Licenced establishment shall post signs that warn drinking alcoholic beverages during pregnancy can cause birth defects as follows:

(a) **Sign Locations**

(i) In Liquor-Licenced establishments that are permitted to sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale or dispensing of the alcoholic beverage takes place.

(ii) In Liquor-Licenced establishments that permit the consumption of alcoholic beverages on the premises, one sign shall be conspicuously displayed in each public washroom located within the premises and a least one sign shall be displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale or dispensing of the consumption of the alcoholic beverage takes place.

(iii) In all Provincial Government liquor outlets that sell alcoholic beverages for off-premises consumption, there shall be at least one sign displayed in a conspicuous place that is clearly visible to customers as they enter the premises where the sale of the alcoholic beverage takes place.

(b) **Sign Specifications**

All signs required to be posted pursuant to this bylaw shall conform to the following specifications:

(i) All signs shall include the text “City of Nanaimo Bylaw No. 5351.10” in letters not less than one-half of the height of all other letters on the sign.

(ii) Each sign shall have a minimum dimension of 21.5 cm (8.5” inches) by 21.5 cm (8.5” inches).

(iii) Except for the text specified in Sub-section (a), the size of lettering shall not be less than 1 cm (3/8” inch) in height.

(iv) Lettering may be either upper or lower case or a combination thereof, but “letter height” when used in this section means the actual height of a letter whether or not it is in upper or lower case.

(v) The wording on the sign shall be as follows:

“FETAL ALCOHOL SPECTRUM DISORDER WARNING – DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS”

And it shall be substantially in the form and style as shown on Schedule ‘G’ attached to and forming part of this bylaw.

(c) by deleting in its entirety Schedule ‘D’ and substituting, therefore, the attached Schedule ‘D’, which forms part of this bylaw.
No business entity shall sell, offer for trade, sale or distribution, shark fins or their derivative within the City of Nanaimo.

9. **Licence Inspector**

9.1 The Council, by resolution, from time to time, may appoint a Licence Inspector, and one or more persons to assist the Licence Inspector to administer the provisions of this Bylaw.

9.2 Council delegates authority to the Licence Inspector to issue business licences pursuant to Section 667 of the Municipal Act where he or she is satisfied that the applicant has complied with the bylaws of the municipality regulating building, zoning, health, sanitation and business.

9.3 The Licence Inspector, a person appointed to assist the Licence Inspector under subsection (1) or a Bylaw Enforcement Officer may enter, at all reasonable times on any property to ascertain whether the City’s requirements are being met or regulations are being observed.

9.4 An owner or occupier of real property in the City shall give to the Licence Inspector the information and the access to that property required to enable necessary investigations to be made.

10. **Licence Suspensions**

10.1 The Licence Inspector is delegated authority to suspend a licence for the period he or she decides in accordance with Section 667 or the Municipal Act if the holder of the licence:

(a) is convicted of an offence indictable in Canada;

(b) is convicted of an offence under any municipal bylaw or statute of the Province in respect of the business for which he or she is licenced or with respect to the premises named in his or her licence;

(c) has, in the opinion of the Official, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his or her licence that it warrants the suspension of his or her licence;

(d) has ceased to meet the lawful requirements to carry on the business for which he or she is licenced or with respect to the premises named in his or her licence; or

(e) has, in the opinion of the Official, conducted his or her business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

10.2 The suspension of a licence by the Licence Inspector shall be made in writing, signed by the Licence Inspector and served on the licencee at the address given by the licencee on the application form for the licence, or his or her last known address or delivered to the licencee by registered mail.
10.3 A notice of suspension may be posted by the Licence Inspector upon the premises for which the licence was issued and the notice shall not be removed until the licence is reinstated, or the suspended licencee ceases to occupy the premises, or a new licence is issued for the premises.

10.4 No person shall carry on a business for which a licence required by this Bylaw is under suspension.

11. Appeal from Licence Suspensions

11.1 A licencee that has had a licence suspended by the Licence Inspector may appeal the suspension in accordance with section 667 of the Municipal Act.

11.2 A licencee that appeals to the Council from a suspension by the Licence Inspector shall, within ten (10) days from the date of suspension, give to the City Clerk notice in writing of the intention to appeal.

11.3 The notice of intention to appeal shall state concisely the grounds upon which the appeal is based.

11.4 The City Clerk shall refer the matter to Council in order to appoint a time and place for a hearing and then give to the appellant reasonable notice of the time and date.

12. Revocation of a Business Licence

12.1 Council may revoke a business licence for reasonable cause after giving notice to the licencee and after giving the licensee an opportunity to be heard.

12.2 A notice or revocation of a licence may be posted by the Licence Inspector upon the premises for which the licence was issued and the notice shall not be removed until the former licensee ceases to occupy the premises, or a new licence is issued for the premises.

13. Appeals from Licence Denied

13.1 Appeals from a decision of the Licence Inspector to deny a licence may be appealed to Council pursuant to Section 667(4) of the Municipal Act.

13.2 The refusal of a licence by the Council is governed by Section 666 of the Municipal Act.

14. Licence Approvals

14.1 All premises in or upon which the applicant proposes to carry on any business, may be subject to inspections and approval by any City Department or Government Agency as deemed necessary by the Licence Inspector before a Business Licence is granted.
14.2 The applicant shall, upon request by the Licence Inspector, Bylaw Enforcement Officer or other City Inspector, produce certificates, letters of approval or other documentation as may be required by Federal, Provincial or Local Government authorities.

14.3 An applicant whose business is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the Licence Inspector of his or her employees’ qualifications under those Acts or Regulations.

14.4 When the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector shall be submitted prior to the issuance of the Licence.

15. **Posting Licence**

A licence holder shall post and keep posted 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.

16. **Penalty**

16.1 Except as otherwise provided in this Bylaw, a business entity which violates any of the provisions of this Bylaw, or which suffers or permits any act or thing to be done in contravention of this Bylaw, or which refuses or omits or neglects to fulfill, observe, carry out or perform any duty or obligations imposed by this Bylaw to which a person is convicted of an offence in a prosecution under the *Offence Act* is liable to a fine of not less than FIFTY DOLLARS ($50.00) and not more than TEN THOUSAND DOLLARS ($10,000.00) pursuant to Section 263 of the *Community Charter*, as amended or re-enacted from time to time; or, if an information is laid by means of a ticket, in accordance with the *Offence Act*, a fine will be prescribed as stipulated in Schedule ‘D’ of this Bylaw. *(Bylaw 5351.09)*

16.2 A business entity which commits an offence of a continuing nature against this Bylaw is liable on summary conviction to a fine of not less than FIFTY DOLLARS ($50.00) for each day that the offence is continued.

17. **Section 17 deleted in its entirety.** *(Bylaw 5359)*
18. **Remainder of Bylaw to be Maintained Intact**

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.

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

20. This bylaw shall take effect on January 1, 1999 or upon adoption, whichever is later.

21. **Repeal**

"BUSINESS LICENCE BYLAW 1997 NO. 5208" and all amendments thereto are repealed on January 1, 1999 or upon adoption of this bylaw, whichever is later.
SCHEDULE 'A'

BUSINESS LICENCE FEES

Licence fees shall be as follows:

**TABLE I**

<table>
<thead>
<tr>
<th>UNIT</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabaret/Lounge/Pub</td>
<td>1,100.00</td>
</tr>
<tr>
<td>Bank/Credit Union/Trust Co.</td>
<td>1,100.00</td>
</tr>
<tr>
<td>Casino</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Escort Service</td>
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<tr>
<td>Massage Parlour</td>
<td>3,000.00</td>
</tr>
<tr>
<td>Child Care</td>
<td>50.00</td>
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**TABLE II - TEMPORARY BUSINESSES**  
(fees will not be prorated)

<table>
<thead>
<tr>
<th>UNIT</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carnival</td>
<td>per day - 165.00</td>
</tr>
<tr>
<td>Circus</td>
<td>per day - 165.00</td>
</tr>
<tr>
<td>Christmas Tree Sales</td>
<td>41.25</td>
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<tr>
<td>Flea Markets/Craft Fairs</td>
<td>165.00</td>
</tr>
<tr>
<td>Home Handicrafts</td>
<td>per day - 6.00</td>
</tr>
<tr>
<td>Raves</td>
<td>per day - 165.00</td>
</tr>
<tr>
<td>Special Event (organizer)</td>
<td>41.25</td>
</tr>
<tr>
<td>Temporary (other)</td>
<td>165.00</td>
</tr>
<tr>
<td>Trade Show (organizer)</td>
<td>41.25</td>
</tr>
</tbody>
</table>

**TABLE III – MOBILE FOOD VENDING BUSINESSES**  
(fees will not be prorated) (5351.13)

<table>
<thead>
<tr>
<th>Mobile Food Vending Unit Type</th>
<th>Private Property ($)</th>
<th>All Public Locations ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Cart</td>
<td>165.00</td>
<td>165.00</td>
</tr>
<tr>
<td>Food Trailer</td>
<td>165.00</td>
<td>365.00</td>
</tr>
<tr>
<td>Food Truck</td>
<td>165.00</td>
<td>365.00</td>
</tr>
</tbody>
</table>

**TABLE IV - ALL OTHER BUSINESSES**

<table>
<thead>
<tr>
<th>All other businesses</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>165.00</td>
</tr>
</tbody>
</table>
Bylaw 5351 (Consolidated)
Schedule 'B'

(Schedule 'B' deleted by Bylaw 5359)
Bylaw 5351 (Consolidated)

SCHEDULE ‘C’
SUB-TRADE LIST:

GENERAL CONTRACTOR: ________________________________ LICENCE NO.: ____________________

LOCATION: ________________________________ PHONE NO: __________________

<table>
<thead>
<tr>
<th>SUB-TRADE</th>
<th>TRADE NAME</th>
<th>OWNER’S NAME</th>
<th>ADDRESS</th>
<th>PHONE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXCAVATING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONCRETE/FORMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRAMING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROOFER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOORS AND WINDOWS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>INSULATION</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>ELECTRICAL</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>PLUMBING</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>DRYWALL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PAINTER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HEATING &amp; AIR CONDITIONING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FLOORING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MECHANICAL EQUIPMENT INSTALLATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LANDSCAPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MASONRY/BRICKLAYING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>METALWORK</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EXTERIOR FINISHING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE “D”

FINE SCHEDULE

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<table>
<thead>
<tr>
<th>Description of Offence</th>
<th>Section #</th>
<th>Amount of Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Business Licence</td>
<td>3.1</td>
<td>$100.00</td>
</tr>
<tr>
<td>Operating in contravention of Business Licence</td>
<td>3.3</td>
<td>$100.00</td>
</tr>
<tr>
<td>Fail to supply subtrade list</td>
<td>8.3</td>
<td>$50.00</td>
</tr>
<tr>
<td>Fail to notify change in business</td>
<td>7.1</td>
<td>$50.00</td>
</tr>
<tr>
<td>Fail to change business address</td>
<td>7.4</td>
<td>$50.00</td>
</tr>
<tr>
<td>Fail to post FASD signage</td>
<td>8.11</td>
<td>$100.00</td>
</tr>
<tr>
<td>Disobey suspension order</td>
<td>10.4</td>
<td>$200.00</td>
</tr>
</tbody>
</table>
1. GENERAL REGULATIONS

1.1 The mobile food vending unit shall be maintained at all times in good sanitary condition and the standard of appearance must always be aesthetically pleasing.

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, clean up 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. (5351.13)

2. FOOD TRUCKS & FOOD TRAILERS

Size and Configuration:

2.1 The food truck/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 to avoid any obstructions to vehicles or pedestrians.

Parking:

2.4 Food trucks/trailers may only park in legal parking spaces or in designated locations in parks.

2.5 Food trucks/trailers shall not operate in angle or nose-in parking stalls unless in a designated location in a park.

2.6 Food trucks/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 and will be open for public use when the food truck is not present.

2.8 Food trucks 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 shall not operate 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; and,
   (e) residentially zoned areas.

2.12 Deleted (5351.13)

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 (5351.13)
      (v) or other location authorized from time to time by the Licence Inspector
      (vi) Specified parks in Table I of this Schedule (5351.13)
   (b) Special Zones
      (i) Stewart Avenue - from Newcastle Avenue to Zorkin Road
      (ii) Queen Elizabeth Promenade (5351.13)
      (iii) Other location authorized from time to time by the Licence Inspector

3.4 Special Zones:
   (a) All food carts will remain in motion at all times. Food carts may be stopped for the purpose of directly dealing with a customer and must resume moving immediately upon conclusion of a sale.
   (b) Food carts are not permitted on the driven portion of a highway, except to cross at an intersection.

<table>
<thead>
<tr>
<th>TABLE I – PERMITTED MOBILE FOOD VENDING LOCATIONS IN CITY PARKS (5351.13)</th>
</tr>
</thead>
<tbody>
<tr>
<td>At designated locations in the following city parks as authorized by the Director of Parks and Recreation (53351.13):</td>
</tr>
<tr>
<td>Bowen Park East Parking Lot</td>
</tr>
<tr>
<td>Brechin Boat Ramp</td>
</tr>
<tr>
<td>Departure Bay</td>
</tr>
<tr>
<td>Diana Krall Plaza (5351.13)</td>
</tr>
<tr>
<td>Harewood Centennial Park</td>
</tr>
<tr>
<td>Larry McNabb Sport Zone (5351.13)</td>
</tr>
<tr>
<td>Loudon Park</td>
</tr>
<tr>
<td>Maffeo Sutton Park</td>
</tr>
<tr>
<td>May Richards Bennett Pioneer Park</td>
</tr>
<tr>
<td>Merle Logan Field</td>
</tr>
<tr>
<td>Pipers Lagoon Park</td>
</tr>
<tr>
<td>Westwood Lake Park</td>
</tr>
</tbody>
</table>
"FETAL ALCOHOL SPECTRUM DISORDER WARNING"

Drinking Alcoholic Beverages During Pregnancy Can Cause Birth Defects

CITY OF NANAIMO BYLAW NO. 5351.10