



## **City of Duncan**

### **Business Licence Regulation Bylaw No. 3117, 2014 (With Amendments to July 3, 2018)**

#### **Consolidated for Convenience Only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 3117.01 – Adopted January 4, 2016

Bylaw No. 3117.02 – Adopted July 3, 2018

**CITY OF DUNCAN**

**BYLAW NO. 3117, 2014**

**A BYLAW TO REGULATE BUSINESS LICENCES**

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**NOW THEREFORE** the Council of the City of Duncan in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

**1. Title**

This Bylaw may be cited as the “Business Licence Regulation Bylaw No. 3117, 2014.”

**2. Definitions**

“Business“ Means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services, but does not include an activity carried on by the government, its agencies or government owned corporations.

“Director of Finance” Means the person appointed by Council to administer this bylaw.

Amend# 3117.02

“Food Cart” Means a portable, self-contained trailer with a maximum width of 2.5 m and a maximum length of 8.0 m that is equipped to cook, prepare or serve and offer food or beverages for sale to the public, but does not include a food cart.

Amend# 3117.02

“Food Trailer” Means a motorized, mobile, self-contained vehicle with a maximum width of 2.5 m and a maximum length of 8.0 m that is equipped to cook, prepare, or serve, and offer for sale food or beverages to the public, but does not include a food trailer or food cart.

“Inter-municipal Business Licence Agreement“ Means the agreement attached to and forming part of the “Inter-municipal Business Licence Agreement Bylaw 1955, 2003.

“Inter-municipal Licence” Means a Business Licence issued by the Licence Inspector of the City of Duncan or another participating Municipality, to carry on Business within the boundaries of any participating municipality and issued pursuant to the Inter-municipal Business Licence Agreement.

“Licence” Means a Licence to carry on Business issued pursuant to Section 7 of this Bylaw.

Amend# 3117.02

“Mobile Food Vending Business” Means a licensed mobile Business that offers food or beverages for sale to the public from a mobile food vending unit.

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“Mobile Food Vending Unit” Means a food cart, food trailer, or food truck.

“Participating Municipality” Means a municipality which is party to the Inter-municipal Business Licence Agreement.

### 3. Licence Requirement

3.1 No person shall carry on a Business within the City of Duncan unless a valid and subsisting Licence has been issued for the Business.

3.2 A person who carries on Business from more than one location shall obtain a Licence under this Bylaw for each Business location.

Amend# 3117.02

3.3 No person shall carry on a mobile food vending Business within the City of Duncan unless a valid and subsisting Business Licence has been issued for each **mobile food vending unit** in operation.

### 4. Licence Application

4.1 The owner or operator of every Business shall make application to the Director of Finance for a Business Licence prior to commencing operation.

4.2 An application for a mobile Business shall be treated as an application for an Inter-municipal Licence.

Amend# 3117.01

4.3 The Director of Finance may require an applicant for a licence to provide proof of certification, approval, or qualification required by a federal, provincial, or local government authority having jurisdiction over the proposed business.

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4.4 It is an offence under this bylaw to provide incorrect or misleading information on an application for a licence or renewal of a licence.

### 5. Licence Fees

5.1 Business Licence fees shall be in accordance with those specified within the Fees and Charges Bylaw.

5.2 A penalty, in accordance with the “Fees and Charges Bylaw” as amended from time to time, will be added to each unpaid Business Licence as at March 1 in each year.

5.3 For new Businesses applying after July 1 in any year, the fee may be reduced to one-half the annual fee.

5.4 If an application for a Licence is withdrawn in writing prior to issuance of the Licence, the Licence fee may be refunded to the applicant.

5.5 No Licence fee shall be refunded after the issuance of a Licence.

5.6 When a person begins to carry on a Business prior to July 1 in any year and fails to apply for a Licence until after July 1 in that year, the Licence fee shall not be reduced.

**6. Licence Periods**

6.1 Business Licences shall be issued for a calendar year and shall expire on December 31 of each year.

**7. Licence Issuance and Conditions**

Amend# 3117.01

7.1 When the Director of Finance is satisfied that an applicant complies with the requirements of this bylaw, and with the bylaws and policies of the City of Duncan, as well as any federal and provincial enactments, the Director of Finance shall issue the Licence in accordance with the application.

Amend# 3117.02

7.2 Every Licence issued under this Bylaw is deemed to be a personal Licence granted to the Licencee, to carry on the Business specified in the Licence from the premises specified in the Licence, and is not transferable to any other person.

7.3 The owner or operator of a Business shall not change the location of the Business without first obtaining a transfer of the Licence for that Business in accordance with Section 8 of this Bylaw.

7.4 Every owner or operator of a Business shall notify the Director of Finance of any change in that person's mailing address and any change in the name of the Business within 14 days of such change.

7.5 The owner or operator of every Business shall post and maintain in a conspicuous place on the Business premises or the chattel in respect of which the Licence is issued, the Licence issued for that Business.

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7.6 Every owner or operator of a business shall comply with all bylaws of the City of Duncan and all applicable laws, rules, codes, regulations, and orders of all federal or provincial authorities having jurisdiction over such business.

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7.7 The Director of Finance or Council may grant a licence imposing terms and conditions relating to the following:

- a) Requirements for preparation and submission of surveys, reports and audits;
- b) The nature and volume of specified materials which may be kept within business premises;
- c) Protection of the environment;
- d) Establishment of funds for cleanup and remediation purposes;
- e) Public safety;
- f) Requirements for the posting of reasonable security to ensure compliance with terms and conditions of the licence; and
- g) Use of city streets or property (including, but not limited to roads, parking, parking lots, boulevards, and sidewalks).

- Amend# 3117.02      7.8      A **mobile food vending Business** shall only be permitted to operate on lands zoned commercial or community use.
- 7.7.1 Notwithstanding section 7.7, a **mobile vending unit** is not permitted to operate within 50 m of the parcel line of a parcel that contains an existing food service operation without first acquiring written support from the business owner.
- 7.7.2 Notwithstanding section 7.7, a **mobile vending unit** is not permitted to operate within 100 m of an elementary school, unless written permission from the school administrator has first been obtained.
- Amend# 3117.02      7.9      A mobile food vending unit must not impede or endanger vehicle or pedestrian traffic.
- Amend# 3117.02      7.10      A **mobile food vending unit** is not permitted to operate within 150 m of an event held on public property for which permission has been granted by the City of Duncan, unless validly licensed and operating prior to the event, or approved by the event organizers.
- Amend# 3117.02      7.11      A **food cart** in operation must be hand or foot propelled.
- Amend# 3117.02      7.12      A **food cart** or **food trailer** may be delivered and picked up by vehicle.

## 8. Licence Transfers

- 8.1      No person shall change the location of a Business unless application for a Licence transfer is made to the Director of Finance and is approved by the Director of Finance prior to the change in location.
- 8.2      A Licence transfer shall not be approved unless the Director of Finance is satisfied that the premises to which the Business is proposed to be relocated complies with the building, zoning, health, sanitation and Business regulation bylaws of the City of Duncan.

## 9. Licence Renewals

- 9.1      Each year following the calendar year in which a Licence is first issued, a Licence renewal form may be forwarded to the holder of every Licence.
- 9.2      No Licence holder shall carry on Business without renewing the Licence and paying the annual fee prior to March 31 in each year that the Business is carried on.
- 9.3      When the annual Licence fee is not paid in accordance with Section 9.2, the Licence shall be deemed to be revoked.

## 10. Licence Suspensions

10.1 The Director of Finance may, in accordance with Section 60 of the *Community Charter* and subject to the right of reconsideration provided in Section 60(5) the *Community Charter*, suspend a Licence for the period determined by the Director of Finance if the holder of the Licence:

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(a) is not in compliance with any municipal bylaw or applicable laws, rules, codes, regulations, or orders of a federal or provincial authority having jurisdiction over such business or premises for which the holder is licenced; or

(b) has ceased to meet the lawful requirements to carry on the Business or with respect to the premises named in the Licence.

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10.2 When a Licence has been suspended or revoked, the Director of Finance may post a notice of suspension or notice of revocation on the premises in respect of which the Licence was issued, prohibiting the continued operation of the Business from those premises.

## 11. Inspections

11.1 The Director of Finance, Building Inspector, Bylaw Enforcement Officer, and Chief Administrative Officer are authorized to enter upon any property at all reasonable hours, to ascertain whether the requirements of this Bylaw are being observed.

## 12. Enforcement

12.1 Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$100.00.

12.2 Each day that a violation continues or exists under this Bylaw is a separate offence.

## 13. Repeal

13.1 "Business Licence Bylaw No. 1960, 2003" and all amendments thereto are hereby repealed.

PASSED FIRST READING 2014-MAR-17  
PASSED SECOND READING 2014-MAR-17  
PASSED THIRD READING 2014-MAR-17  
ADOPTED 2014-APRIL-22

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Phil Kent, Mayor

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Karen Robertson,  
Director of Corporate Services