

CORPORATION OF THE CITY OF NEW WESTMINSTER



BUSINESS LICENCE BYLAW NO. 5640, 1986

EFFECTIVE DATE: December 15, 1986

CONSOLIDATED FOR CONVENIENCE ONLY
(January 25, 2016)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw 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 on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
No. 5684(arcades-age)	July 27, 1987
No. 5732(inspection)	February 15, 1988
No. 5738(amusement ctr)	March 14, 1988
No. 6153(fees)	December 24, 1993
No. 6227(hrs. billiard/pool halls)	November 7, 1994
No. 6231 (fees)	December 19, 1994
No. 6291 (fees)	December 18, 1995
No. 6356 (fees)	October 28, 1996
No. 6398 (body-rub services)	August 25, 1997
No. 6436 (fees)	November 24, 1997
No. 6504 (fees)	November 9, 1998
No. 6555, 1999 (amusement ctrs)	September 13, 1999
No. 6563, 1999 (retail stores)	October 4, 1999
No. 6569, 1999 (cabarets)	November 8, 1999
No. 6572, 1999 (rave performances)	November 29, 1999
No. 6576, 1999(new areas,fees,filming)	December 13, 1999
No. 6602, 2000 (karaoke box bus)	August 28, 2000
No. 6617, 2000 (hrs rave perf Sec3)	June 19, 2000
No. 6645, 2000 (SchA I-IV)	December 11, 2000
No. 6650, 2001 (Sch A, Sec I)	February 19, 2001
No. 6688, 2001 (Sch A I-IV)	November 19, 2001

No. 6777, 2002 (Sch A I-IV)	November 4, 2002
No. 6784, 2002 (liq lic establishments)	October 28, 2002
No. 6882, 2003 (Sch A 1-IV)	November 17, 2003
No. 6930, 2004 (Sec VI (filming-police))	June 14, 2004
No. 6975, 2004 (Sch A I-IV)	November 8, 2004
No. 6996, 2005 (Sec 3 & Sec15)	March 14, 2005
No. 7009, 2005 (Sec VI Filming-del)	May 16, 2005
No. 7060, 2005 (Sch A; Sec 3)	November 28, 2005
No. 7127, 2006 (Sec I-IV, Sch A)	November 20, 2006
No. 7192, 2007 (Sec 14.2; Sch A)	November 5, 2007
No. 7281, 2008 (Sec I-IV, Sch A)	November 24, 2008
No. 7349, 2009 (Sec 3, Sec 21, Sch A)	December 14, 2009
No. 7424, 2010 (Schedule A)	November 29, 2010
No. 7485, 2011 (Schedule A)	October 24, 2011
No. 7544, 2012 (Schedule A)	November 13, 2012
No. 7642, 2013 (Sec I-II, Sch A)	January 1, 2014
No. 7672, 2014 (various sections) (Consolidation by Young Anderson)	April 28, 2014
No. 7683, 2014 (delete Sch A, delete 4(3), 7, 8 and 9, replace Section 4(2))	January 1, 2015
All amendments double-checked and minor corrections made pursuant to section 139 of the Community Charter and by authority of the Corporate Officer	January 25, 2016

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 5640, 1986. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 5640, 1986

A Bylaw to require the holding of a valid and subsisting licence for carrying-on of businesses, to fix and impose licence fees and to provide for the collection of licence fees and the granting, issuing and transferring of licenses.

THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

1. This Bylaw shall be cited as "**BUSINESS LICENCE BYLAW 5640, 1986**".
2. Business Licence Bylaw 5036, 1977 and all amendments thereto are hereby repealed.
3. In this Bylaw, unless the context otherwise requires,

"Adult Entertainment Store" means any premises wherein the business of selling or offering for sale either sex paraphernalia or graphic sexual material is carried on, or wherein one or more film viewers are made available for use by the public;

(6996, 2005)

"Adult Publication" means any book, pamphlet, magazine or printed matter, however produced, which contains a visual image or representation of a person or portion of the human body depicting nudity, sexual conduct or sadomasochistic behavior.

(5738, 1988)

"Amusement Centre" means any premises containing three or more amusement machines except a premise which is validly licenced pursuant to the Liquor Control and Licensing Act;

(5738, 1988)

"Amusement Machine" means a machine on which mechanical, electrical, automatic or computerized games or contests are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use;

"Business" has the meaning given to it by section 1 of the Schedule to the *Community Charter*;

"Charter" or "*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time;

"City" means the geographic area over which the Corporation is the municipal government;

"Corporation" means the Corporation of the City of New Westminster, a municipal corporation duly created by Letters Patent issued on December 24, 1872;

"Dating Service" means any person carrying on the business of providing information to persons desirous of meeting other persons for the purpose of social outings;

"Direct Seller" means any person or an agent for another person selling or soliciting door-to-door within the municipal boundaries of the Corporation, the sale of any goods, wares or merchandise, contracts for repairs, renovations, book, magazines or periodicals, whether or not of an educational nature;

(5738, 1988)

"Floor Space" means the total area of all floors or stories measured to the interior walls of the building occupied by the licence holder and licenced under this bylaw;

"Individual" means one human person;

(6602, 2000)

"Karaoke Box Room Business" means any business where an enclosed room or rooms are provided for the use of customers for the purpose of participating in or listening to karaoke entertainment within the enclosed room or rooms.

"Licence" means a licence granted pursuant to this Bylaw or Business Licence Bylaw No. 5036, 1977 as amended for the carrying on of a business;

“Licence Inspector” means a person appointed by the Corporation as Manager of Licensing, Licence Inspector, Business Licence Coordinator or Bylaw Officer;

Non-resident business” means a business based primarily outside of the City and licenced by another municipality, but which operates partially within the City;

"Person" has the meaning given to it by Section 29 of the Interpretation Act R.S.B.C. 1996, c.238;

“Post Box” means a box or other receptacle suitable for containing postal mail;

“Post Box Rental Agency” means any premises containing one or more post boxes made available for rent, lease, sale or possession to a person who is not normally an occupant of the premises, but does not include Canada Post;

“Professional Practitioner” means every person carrying on a professional practice including doctors, optometrists, lawyers, engineers, accountants, dentists, veterinarians and chiropractors;

(6572, 1999 & 6617, 2000)

"Rave Performance" means a commercial dance or other entertainment performance or event commonly referred to as a rave or rave party and includes, but is not limited to a commercial dance or entertainment event or performance where twenty (20) or more persons are assembled, either indoors or outdoors, at any time between the hours of 1:00 a.m. and 12:00 noon, and where:

- (a) the commercial dance or other entertainment performance or event is held for the purpose of gain or profit;
- (b) attendance fee charged for persons to attend;
- (c) security personnel are present; and
- (d) music, noise or sound of any kind or source including, but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music and live sound performances and live band music, is performed or played.

(6398,1997)

“Relaxation Body-Rub Services” means the kneading, rubbing, massaging, manipulating, touching or stimulating by any means of the human body for remuneration by any person, but does not include medical, therapeutic or cosmetic massage treatment given by:

- (a) a member in good standing of the Reflexology Association of British Columbia practicing the techniques of reflexology in accordance with the accepted practices of that Association;
- (b) a member in good standing of the British Columbia Association of Practicing Aromatherapists practicing the techniques of aromatherapy in compliance with that Association’s Code of Ethics;
- (c) a registrant of the College of Massage Therapists of British Columbia established in accordance with the *Health Professions Act* R.S.B.C. 1996, c. 183; or
- (d) any other person duly licenced or registered under any statute of the Province of British Columbia governing the above mentioned activities;

(7060, 2005)

“Secondhand dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, including collectibles, or who operates a secondhand dealers’ premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, recycled containers, junk, furniture, knickknacks, footwear, and kitchenware items such as dishes, pots, pans, cooking utensils and cutlery;
- (b) used books, papers, magazines, vinyl records, or long-playing records (LP’s);
- (c) antiques, meaning articles, except for alcohol, produced or crafted more than 50 years before the date of the wholesale or retail transaction; or
- (d) motor vehicles under a licence from the Province of British Columbia;

“Social Escort Service” includes any person carrying on the business of providing or furnishing male escorts or female partners for social occasions;

“Vending Machine” means any machine or device used for the purpose of selling, distributing or disposing of any goods, merchandise or articles or for the purpose of providing music, games, amusement or services of any kind whatsoever, provided however, that any machine or device aforesaid shall be deemed not to be a vending machine when it is situated in any building or premises where the principal business carried on in that building or premises is the sale of goods or merchandise or the dispensing of services through the operation of vending machines;

and wording importing the singular or masculine shall be deemed to include the plural, feminine, and body politic or corporate whenever the context so requires.

(6576, 1999)

GRANTING AND ISSUING OF LICENSES

4. (1) No person, shall carry on any business within the City unless a valid and subsisting licence is issued under this Bylaw.

(7683, 2014)

- (2) It shall be incumbent upon each person to renew the license and pay the fee set out in the Development Services Fees Bylaw No. 7683, 2014 prior to the beginning of each calendar year.

(7683, 2014)

Section 4(3) deleted

5. Licenses shall be issued annually so as to take effect on the first day of January and to terminate on the 31st day of December in each year.

6. Power is hereby delegated to the Licence Inspector to:

- (1) grant a business license; and
- (2) suspend, for reasonable cause, any licence for such period as he may determine.

(7683, 2014)

Sections 7, 8, and 9 deleted

APPLICATION FOR LICENCE

10. Application for a licence shall be made by filling out the application form supplied by the Licence Inspector and by supplying whatever additional information may be required from time to time by the Licence Inspector.
11. The application form shall be signed by the owner or the operator of the business, or a duly authorized agent and, in the case of multiple owners or operators, one owner or operator may make application on behalf of all of them.
12. The duly completed and signed application form shall be delivered to the Licence Inspector with the sum of money required for that classification of business herein.
- 13.(1) The completion and submission of an application form is not required for the renewal of a business licence provided that the business licence is renewed before it has expired and there have been no changes in (i) the address of the business, (ii) the nature or classification of the business, (iii) the premises in which the business is being carried out, AND WHERE APPLICABLE (iv) the floor or ground area of the premises of the business or (v) the number of people engaged in the business.
 - (2) No person to whom a licence has been granted under this Bylaw to conduct business from premises specified in the licence, shall change the location of that business and conduct the business from new premises without first:
 - (a) having applied to the Licence Inspector, on the form provided, to have the licence altered in respect to the location of the business; and
 - (b) having been granted a licence to conduct business from the new premises;

and the powers, conditions, requirements and procedures relating to the granting and refusal of licenses and appeals under this Bylaw shall apply to all such applications.

(6576, 1999)

- (3) A licence shall not be transferable under any circumstances. The completion and submission of an application form is required where the assets of an existing business are sold or where a majority of shares in that business are transferred.

GENERAL PROVISIONS

(5732, 1988)

14.(1) The Chief Licence Inspector may at all reasonable times enter on any property to ascertain whether the provisions of this bylaw have been and are being complied with. A person employed from time to time by the Corporation as a Licence Inspector is hereby designated to act in the place of the Chief Licence Inspector for the purposes of this section.

(2) No person shall interfere with or obstruct the entry of the Chief Licence Inspector, or other person designated to act in his place, to any property while the chief Licence Inspector or person to act in his place is acting in the course of his duties.

(3) Every person who is required to be licenced under this bylaw shall keep the licence prominently displayed on the premises for which the licence is issued and on demand of the Chief Licence Inspector or the Licence Inspector shall produce the licence for inspection. Where the licence relates to any vehicle, the owner of such vehicle shall at all times cause the licence to be carried in such vehicle.

(6398, 1997)

15. Every person applying for a licence to carry on a business must comply with all federal, provincial and municipal laws, bylaws, regulations and rules applicable to that type or class of business.

(6572, 1999)

16. Rave performances are prohibited in every part of the City and no person shall carry on the operation of a rave performance, or permit or allow the operation of a rave performance on any lands or in any building, facility or structure located anywhere within the boundaries of the City.

(7192, 2007)

ADULT ENTERTAINMENT STORE

17.(1) No person or individual carrying on the business of an adult entertainment store shall permit any individual to be on the licenced

premises at any time unless such individual is 19 years of age or over.

- (2) No person or individual shall open, or permit to be opened, any adult entertainment store earlier than 10:00 a.m. or later than 10:00 p.m.
- (3) No person or individual carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited in any window on or about the licenced premises any graphic sexual material or sex paraphernalia.

(6784, 2002)

LIQUOR LICENCE ESTABLISHMENTS

18. (1) No person carrying on business as a liquor licence establishment under a "Liquor Primary Licence" issued under the *Liquor Control and Licensing Act* shall, between the hours of 11:00 p.m. and 9:00 a.m., offer for sale, or permit to be offered for sale, beer, wine or any other alcoholic beverage from a Licensee Retail Store.
- (2) No person carrying on the business of a liquor licence establishment under a "Food Primary Licence with a Lounge Endorsement" issued under the *Liquor Control and Licensing Act* shall, between the hours of 12:00 midnight and 9:00 a.m., serve or offer for sale, or permit to be served or offered for sale, any liquor or alcoholic beverage within the designated lounge area.
- (3) Every person carrying on a business licenced under the *Liquor Control and Licensing Act* who proposes any change for that person's Food Primary or Liquor Primary Licence, shall pay the City an administrative fee of \$250.00 for review and consideration of the proposed licence change.

(6996, 2005)

ADULT PUBLICATIONS

19. Except where the business is an Adult Entertainment Business licenced under this Bylaw, no person carrying on any trade, business or occupation shall display or permit to be displayed an Adult Publication except as follows:

- (1) no Adult Publication may be located on any shelf, the bottom edge of which is less than 47 inches from the floor;
- (2) every Adult Publication must be placed behind a sheet of opaque plastic or other opaque substance which extends for the full length of the shelf on which such Adult Publication is placed and which extends vertically for at least 8 inches from the bottom of the shelf.

AMUSEMENT CENTER/BILLIARD ROOMS, POOL HALLS

20.(1) Every person or individual carrying on the business of an amusement centre shall:

- (a) not permit more than 12 amusement machines in the amusement centre at any one time;
- (b) provide one designated area consisting of a minimum of 100 square feet of floor space for each amusement machine;
- (6555, 1999) (c) repealed
- (d) not use the designated area for any purpose other than the location and use of amusement machines;
- (e) clearly separate the designated area from other areas of the premises not used exclusively for the location and use of amusement machines; and
- (f) not open for business earlier than 10:00 a.m. or later than 10:00 p.m.

(2) Every person or individual carrying on the business of a billiard hall or pool room shall:

(6227, 1994)

- (a) remain closed for business between the hours of 1:00 a.m. and 8:00 p.m.

DATING SERVICE

21. Every person or individual carrying on the business of or operating a dating service shall:

- (1) supply the Licence Inspector with the name, age, address and description of every individual proposed to be employed or engaged in the said business.
- (2) notify the Licence Inspector within seventy-two hours of any change in the personnel employed or engaged in the business.
- (3) maintain a written record of all individuals registered with the dating service showing their name and address and the individual to whom they have been referred for a social engagement and shall upon request make such list available for inspection by the Licence Inspector or the Chief Constable.

HOME REPAIR CONTRACTORS

22. No individual shall, without authorization from the owner or occupier of the premises, attend upon or canvass at any residential premises for the purpose of soliciting business that is any way connected with home repairs or alterations.

POST BOX RENTAL AGENCY

23. (1) Every person or individual carrying on the business of or operating a post box rental agency shall maintain a list containing the name and residential address of every person or individual who rents, leases, owns or has possession of a post box on the premises and an indication of whether or not that person intends to use the post box for business purposes, and shall upon request make such list available for inspection by the Licence Inspector or the Chief Constable.
- (2) No person or individual carrying on the business of or operating a post box rental agency shall rent, lease, sell or otherwise deliver possession of a post box to any person unless that person has first indicated in writing whether or not he intends to use the post box for business purposes.

RELAXATION BODY-RUB SERVICES

24. Every person providing relaxation body-rub services to the public must:

(6398,1997)

- (1) remain open for business only between the hours of 9:00 a.m. and 9:00 p.m;

- (2) ensure that all persons hired to provide relaxation body-rub services are at all times, while in any common public area of the business premise, attired in clean non-transparent clothing, which fully covers the body from no less than six inches above the knee to three inches below the neck;
 - (3) supply to the Chief Constable, a list containing the names, addresses, telephone numbers, date of birth and gender of all persons hired to provide relaxation body-rub services;
 - (4) permit the Chief Licence Inspector, the Chief Public Health Inspector, their designates and Members of the New Westminster Police Service to enter any premises where relaxation body-rub services are provided to the public, at any time to ascertain whether the provisions of this bylaw are being complied with;
 - (5) display in a prominent location within any premises where relaxation body-rub services are provided, a list of rates and prices payable by the public for such services; and
 - (6) maintain the premises where relaxation body-rub services are provided to the public in a clean and sanitary condition to the standards prescribed by the City or other lawful authority; and
 - (7) ensure that all persons hired to provide relaxation body-rub services have not been convicted of an offense under sections 210, 211, 212, or 213 of the Criminal Code of Canada.
25. No person under 19 years of age shall provide relaxation body-rub services.
26. No person carrying on the business of providing relaxation body-rub services shall exhibit or allow to be exhibited in any window, or elsewhere on the licenced premises open to public view, a sign or other depiction or rendering in any form showing a nude male or female body or any part thereof, nor any printed words that might indicate that the licenced premises is a place that offers any form of sexual or nude entertainment.

SOCIAL ESCORT SERVICE

27. Every person or individual carrying on the business of or operating a social escort service shall:

- (1) supply the Licence Inspector with the name, age, address and description of every individual proposed to be employed or engaged in the said business together with such additional information as the Licence Inspector may require;
- (2) notify the Licence Inspector within seventy-two hours of any change in the personnel employed or engaged in the said business;
- (3) maintain to the satisfaction of the Licence Inspector and Chief Constable a written record of every request to provide or furnish an escort or partner giving the name and address of the individual requesting the service together with the name of the escort or partner recommended and the function to be attended.

28. No person or individual carrying on the business of or operating a social escort service shall employ or engage any individual in the same business without obtaining the approval of the Licence Inspector or Chief Constable prior to the employment or engagement of that person.

KARAOKE BOX ROOM BUSINESSES

(6602, 2000)

29. No person shall carry on, or cause or permit the carrying on of the business of Karaoke Box Room Business anywhere within the boundaries of the City.

VENDING MACHINES

(6576, 1999; 7349, 2009)

30. In addition to all other methods by which Council of the Corporation by bylaw has classified each type of business, each business is hereby classified on the basis of the number of vending or other dispensing machines or other machines, appliances, or things used in the carrying-on of the business (all of which are called herein the "vending machines") and each type of vending machine shall be classified according to Schedule "A", Section III to this Bylaw and the licence fees as set out therein from time to time are hereby affixed and imposed for licenses for each such vending machine.

(6576, 1999)

31. No person or individual shall use a vending machine in the carrying-on of a business in the City without first obtaining from the Corporation a licence for it and each application shall be written in the appropriate form set out in Schedule "A", Section III hereto and each licence hereby granted shall apply only to the vending machine described therein at the location set out therein and that the vending machine cannot be used at any other location for the carrying-on of the business without the applicant first obtaining either the consent of the Licence Inspector endorsed on the licence or the issue of a second licence.
32. No person or individual shall use a vending machine located on property owned by or vested in the Corporation for the sale or distribution of newspapers without maintaining insurance:
 - (1) for the benefit of the Corporation against claims for loss or damage to the vending machines by any and all perils; AND
 - (2) maintain insurance for the benefit of the Corporation in the amount of not less than two million dollars (\$2,000,000) for personal injury, death, property damage and third party public liability claims arising from any accident or occurrence.

(6563, 1999)

33. (1) Retail Stores

No person or individual carrying on the business of operating a retail store or other business shall set or offer for sale, trade, exchange or barter any drug paraphernalia, equipment, supplies, merchandise or any other thing which is designed, ordinarily used or intended to be used for the purpose of or in connection with the use, possession, production, cultivation, manufacture, import, export, storage, preparation or ingestion of cannabis or any other controlled substance, as defined in the *Controlled Drugs and Substances Act* S.C. 1996, c. 19, where the possession, trafficking, production, import or export of such controlled substance is prohibited by that Act.

(5738, 1988)

- (2) every owner or operator shall prohibit more than (2) two players or individuals from occupying any space at or near a coin operated amusement vending machine.

- (3) repealed.
- (4) every owner or operator shall clearly indicate in sign form that each coin operated amusement vending machine:
 - (a) repealed.
 - (b) may not be operated before 10:00 a.m. or later than 10:00 p.m.
 - (c) shall be limited to the play or use of a maximum of (2) two players or spectators.

OFFENCES

34. Every owner or operator of a business who by this Bylaw is required to hold a valid and subsisting licence and who:

- (1) violates any provision of this Bylaw;
- (2) permits a violation of any provision of this Bylaw; or
- (3) refuses or otherwise to do anything required to be done by him by any provision of this Bylaw;

is guilty of an offense and is liable upon summary conviction to a fine of not less than Fifty Dollars (\$50.00) and, where conviction is for failure to pay the required licence fee, the amount which should have been paid for the licence shall be added to the penalty and shall form a part of the penalty.

35. If any part of this Bylaw is for any reason held invalid by any Court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

BYLAW NO. 7642, 2013

BYLAW NO. 7683, 2014 – SCHEDULE “A” DELETED