THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3725

A Bylaw to Provide for the Licencing and Regulation of Businesses

Whereas of the Community Charter empowers City Council to provide for the licencing and regulation of businesses in the City and the Council wishes to regulate and licence businesses for the purpose of protecting the public;

Therefore, the Council of The Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

1. **CITATION:**

This Bylaw may be cited for all purposes as "Business Bylaw, 2010, No. 3725".

2. **DEFINITIONS:**

In this Bylaw:

Accessory Home Business means a business carried on in a dwelling unit by a resident of that dwelling unit.

Automated Bank Machine Business means a Business that provides an automatic teller machine at its premises, other than on the premises of a Financial Institution.

Bear Spray means specific aerosol spray deterrent, whose active ingredients are highly irritant capsaicin and related capsaicinoids. Bear spray also includes pepper spray.

Bear Spray Retailer means any person that carries on a business that sells or offers to sell bear spray to the public.

Bowling Alley means the Business of short-term rental of specially-constructed lanes within a building for the game of five- or ten-pin bowling.

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 for the purpose of gain or profit, and includes the holding by a corporation of an active Provincial registration.

Cannabis Production Business means any business engaged in or otherwise involving the cultivation of cannabis, or any other manner of producing or processing any form of cannabis or cannabis derivatives.

Cannabis retail outlet means premises licensed under the Cannabis Control and Licensing Act to provide for the sale of cannabis for consumption off premises.

City means the City of Port Coquitlam.

Contracting Business - Out of Town means a Business carried on by a Contractor and conducted from premises outside the City.

Contractor means a person who carries on the Business of performing construction, alteration, repair work, or maintenance upon a building, structure, or other improvement.

Council means the Council of the City.

Daycare Business means a Business that provides a daycare, pre-school or playschool.

Distribution Business means a Business of distributing goods to other businesses for use or sale.

Film Production means the Business of casting, shooting, directing, editing, or distributing a motion picture.

Financial Institution means the Business of a bank, trust company, credit union, finance company, mortgage lender, or similar establishment.

Fire Prevention Officer means a member of the City's Fire Department authorized by the City Council or the Fire Chief to inspect premises under this Bylaw.

Highway includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.

Hotel means a Business that provides paid lodging in a building on a short-term basis.

Improvement means anything constructed, or added to, in, upon, or under land.

Industrial Lands Rental Business means a business in which Outdoor Industrial Lease Areas on an Industrial Rental Site are leased or rented to two or more separate tenants, each for the purpose of operating a business.

Industrial Landlord means a person who carries on an Industrial Lands Rental Business.

Industrial Tenant means a person who leases or rents an Outdoor Industrial Lease Area from an Industrial Landlord for the purpose of operating a business.

Industrial Rental Site means one or more contiguous lots that are used collectively by an Industrial Landlord for the purpose of operating an Industrial Lands Rental Business.

Licence means a valid and subsisting business licence issued and approved pursuant to this Bylaw.

Licencee means the person who holds a Licence issued pursuant to this Bylaw.

Licence Inspector means a person appointed by Council as a bylaw enforcement officer or licence inspector for the purpose of enforcing this Bylaw.

Liquor Establishment means a neighborhood pub, lounge, or other establishment in respect of which a liquor-primary licence has been issued pursuant to the *Liquor Control and Licensing Act*, as amended from time to time.

Liquor Store means a Business licensed under the *Liquor Distribution Act* to sell liquor at retail.

Manager means the person appointed by Council as the Manager of Bylaw Services.or the Manager of Planning.

Manufacturing Business means a business engaged in manufacturing, processing, or assembly.

Minor means an individual under the age of 19.

Mobile Vendor means a person who, either on his own account or as an officer, servant, or agent of another, sells or offers for sale goods (including food and beverages but excluding liquor and cannabis), or services from a motor vehicle.

Motel has the same meaning as a Hotel.

Non-Profit Society means a charitable society or organization that is incorporated and in good standing under the *Society Act* of British Columbia, as amended from time to time.

Non-Resident Business means a Business carried on in or from premises located outside the City with respect to which any work or service is performed or offered in the City.

Other Business means any Business not set out in Category A, B, or C of Schedule A.

Outdoor Industrial Lease Area means a defined area of land outside a principal building on an Industrial Rental Site that is leased or rented to an Industrial Tenant for the conduct of business

Premises means a building, portion of a building or an area of land where a Business is carried on.

Profession means a Business based on specialized education or training and consisting of the provision of advice or service to others for a fee without the expectation of other gain or profit and which includes, without limiting the generality of the foregoing, the Business of an accountant, chiropractor, dentist, engineer, land surveyor, lawyer, massage therapist, optometrist, pharmacist, physician and veterinarian.

Professional means a person who has been licensed, certified, or otherwise qualified to engage in a Profession.

Resident Business means a Business carried on in or from premises within the City.

Residential Tenancy Act means Chapter 78 of the Statutes of British Columbia 2002 and any successor legislation dealing with the relationship between residential landlords and their tenants.

Restaurant includes a café, drive-in restaurant, takeout food service, or other establishment in respect of which a food primary licence has been issued pursuant to the *Liquor Control and Licensing Act*, as amended from time to time.

Retail Business means a Business engaged primarily in retail sales.

Special Event means a circus, concert, temporary amusement park, horse show, or other itinerant show or entertainment on public or private property.

Special Event Business means a Business offering for sale goods or services in a City park, school, or highway right-of-way during a City-sanctioned Special Event.

Spray Paint means any aerosol container unit that is made or adapted for the purposes of applying permanent or semi-permanent paint of or other liquid colouring material, including paint markers to a surface.

Spray Paint Retailer means any person that carries on a business that sells or offers to sell spray paint to the public.

Street Vendor means a person who, either on his own account or as an officer, servant, or agent of another, sells or offers for sale food items, excluding liquor and cannabis, from a Vending Cart.

Suite Rental Business means a Business that rents, or has available for rent, five or more suites, whether in a Hotel, Motel, apartment building, or other building.

Vehicle for Hire means the Business of short-term rental of vehicles to the public, with or without the provision of a driver, and which includes, without limiting the generality of the foregoing, the Business of a taxi, charter bus, tour bus, limousine, and the rental of customer-driven vehicles, but does not include public transit services or transportation network services.

Vending Cart means a self-contained mobile apparatus or other vehicle, excluding a mobile truck, used for the sale of food items other than liquor.

Warehousing Business means a Business engaged in receiving and storing goods, wares, merchandise or personal property of others.

Wholesaling Business means a Business engaged in the selling of merchandise to retailers and to industrial, commercial, institutional or professional business users, contractors, other wholesalers, or the provision of a brokering or agency service for the selling of merchandise to such users.

DIVISION 1 - BUSINESS LICENCING

LICENCE REQUIREMENT

3. (a) No person shall carry on business in the City without a Licence.

(b) Every person who owns or operates any business within the City shall apply for, obtain, and hold a Licence for each business.

(c) Every person who carries on business from more than one premises in the City shall obtain a separate Licence for each premises.

(d) Notwithstanding the provisions of this Bylaw, no Licence shall be required for the rental of a single family dwelling to five or fewer unrelated persons, or for the rental of fewer than five suites in a multi-family building.

LICENCE FEE

4. Every person who applies for a Licence shall pay to the City, in advance, the applicable licence fee prescribed in Schedule A to this Bylaw.

4.1 Notwithstanding the preceding section, the annual licence fee prescribed in Schedule A shall be reduced by one-half in respect of a Licence issued after July 31st in any year.

4.2 No refund of an annual licence fee shall be made on account of any person ceasing to carry on the Business in respect of which the License was granted at any time. The licence fee shall be refunded only if the Licence application is withdrawn prior to issuance of the Licence or if issuance of the Licence is refused.

4.3 Notwithstanding any business licence fee formula specified in Schedule A of this Bylaw, the maximum business licence fee that may be charged for an individual business is $3,000.00.

APPLICATION FEE

4.4 Notwithstanding sections 4 and 4.1, a person who has applied for a Licence and who carries on the business in more than one calendar year, without the said Licence having been issued on account of non-compliance with this Bylaw or with any other enactment related to the conduct of the business, shall pay to the City an annual application fee that shall be two times the annual Licence fee for such business prescribed in Schedule A.

4.5 Such annual application fee shall be due and payable on June 30th of the second calendar year and of each subsequent year in which the business remains in operation without a Licence.

4.6 Where an applicant has paid the application fee prescribed in section 4.4 and subsequently qualifies for a Licence, no Licence fee shall be charged for the remainder of that calendar year.

4.7 Where an applicant who is carrying on business without a Licence qualifies for a Licence before June 30th in a calendar year, and the applicant has not paid the annual application fee for that calendar year, the regular Licence fee shall be charged in accordance with Schedule A.

GRANTING OF A LICENCE

5. The Manager may grant or transfer a Licence under this Bylaw where the Manager is satisfied that the applicant has complied with the requirements of this Bylaw and any other City bylaw related to the conduct of the Business.

5.1 In granting or renewing a Licence, Council may impose terms and conditions in relation to the Business.

5.2 In granting or renewing a Licence, the Manager may impose terms and conditions in relation to the following aspects of the Business:

(a) hours of operation
(b) occupant load.

REFUSAL OF A LICENCE

6. An application for a Licence or renewal of a Licence may be refused by Council or the Manager in any specific case, provided that:

(a) the application must not be unreasonably refused; and

(b) reasons for the refusal must be provided to the applicant.

RIGHT OF RECONSIDERATION BY COUNCIL

6.1 If the Manager has refused to grant a Licence or has imposed a term or condition that the applicant considers is unreasonable, the applicant who is subject to the decision is entitled to have Council reconsider the matter.

INSPECTIONS

7. The Manager or a Licence Inspector, Fire Prevention Officer or Medical Health Officer of the City may enter at all reasonable times on any property that is subject to the bylaw, to ascertain whether the regulations in this Bylaw are being observed.

INITIAL LICENCE APPLICATIONS

8. An application for an initial Licence for a business shall be made on the application form as approved by the Manager.

9. Every application for an initial Licence for a Resident Business shall include a detailed description of the premises in or upon which the applicant intends to carry on business.

10. Every application for an initial Licence for a resident business that handles food or food products, daycare, hairdressers, estheticians, and other businesses as defined by the Fraser Health Authority shall also be accompanied by written confirmation that the premises for the proposed business comply with the health regulations of the Fraser Health Authority, endorsed by the Chief Medical Officer, or the Chief's delegate.

11. Where an applicant applies for more than one Licence, the particulars of each Licence applied for shall be included on a separate application form.

12. The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee prescribed in Schedule "A" to this Bylaw.

12.1 Every Non-Profit Society that carries on a Business as an incident to its purposes is required to hold a valid and subsisting Licence for such Business.

12.2 Notwithstanding the provisions of Schedule A of this Bylaw, where a Non-Profit Society is registered as a charity under the *Income Tax Act* of Canada, as amended from time to time, no fee shall be charged by the City for such Licence.

LICENCE PERIODS

13. Subject to Sections 14 and 15, Licences shall be granted as annual licences for a period commencing each January 1st and expiring each December 31st.

14. The period for a Licence in respect of a theatre including a drive-in theatre, amusement hall, concert hall, music hall, rink, amusement park or other place of amusement, entertainment or exhibition, may be six months, three months or one day, and the period requested shall be by written application of the applicant.

15. The period for a Special Event Licence or a Special Event Business Licence shall be for the period specified in the application, but shall not exceed five days.

LICENCE FORMS

16. Every Business Licence shall be in the form approved by the Manager.

DISPLAY OF LICENCE

17. Every Licencee shall keep the Licencee's copy of the Licence posted in a conspicuous place on the premises in respect of which the Licence is issued. Where the Licencee has no business premises in the City, the Licence shall be carried upon the Licencee's person at all times when the Licencee is engaged within the City in the business for which the Licence was issued.

EFFECT OF LICENCE

18. A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.

19. A Licence is not a representation or warranty that the licenced business or the business premises comply with the bylaws of the City or with any other regulations or standards.

LICENCE RENEWAL

20. The City may forward a Business Licence Invoice on or before November 30th in each year, to every Licencee. Notwithstanding this section, the Licencee shall be responsible for obtaining and submitting a Business Licence Invoice as required.

21. A Licencee who proposes to renew a Licence shall submit the Business Licence Invoice and the Annual Licence Fee to the City prior to expiry of the Licence on December 31st.

22. If a Licensee fails to renew a Licence in accordance with Section 21, and subsequently fails to renew the Licence prior to March 1st of the next year, then, in addition to the annual licence fee, that person shall pay a late payment fee of:

(a) $25.00 for an Accessory Home Business;

(b) $50.00 for all other Businesses.

23. A Licence is renewed upon receipt of the Business Licence and payment of the Annual Licence Fee.

LICENCE TRANSFERS - NEW PREMISES

24. No person shall carry on a business upon any premises other than those described in the initial Licence application without first making an application under this section for a new Licence or for a transfer of the original Licence.

25. Any person proposing to obtain a transfer of a Licence with respect to a change of premises shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial Licence application apply, except as to licence fees.

LICENCE TRANSFERS - PERSON TO PERSON

26. Any person who acquires a business or a controlling interest in any business from any person licenced under this Bylaw shall not carry on such business without first having obtained approval for a transfer of the Licence.

27. Any person proposing to obtain a transfer of a Licence held by any other person shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial Licence application apply, except as to Licence Fees and the requirements of Section 10.

TRANSFER FEES

28. The fee payable in respect of a person to person licence transfer, a change of name licence transfer or a change of premises licence transfer, shall be $50.00.

CHANGES IN LICENCE CONDITIONS

29. No Licencee shall change any condition upon which the licence fee is based without first making an application, paying any additional licence fee payable under this Bylaw as a result of such changes, and obtaining a new Licence.

EXCEPTION: DAY CARE

30. Notwithstanding Section 3, no Licence is required for the provision of day care to not more than two unrelated children, or to the children of one family, by a person who is not related to those children.

DIVISION 2 - BUSINESS REGULATION

STREET ADDRESS

31. Every Licencee who operates from premises located in the City shall prominently display, in figures not less than 100 mm (4 inches) in height, the street address assigned to such premises under the street numbering system of the City.

SUSPENSION AND CANCELLATION OF LICENCES

32. Subject to the *Community Charter*, Council may suspend or cancel a Licence for reasonable cause.

32.1 One or more of the following circumstances may, without limitation, constitute reasonable cause for suspension or cancellation of a Licence:

(a) the Licensee has made a false declaration or has misrepresented or concealed a material fact with respect to the application for a Licence;

(b) the Licensee fails to maintain the standard of qualification required to carry on the Business for which the Licence was issued or with respect to the Premises for which the Licence was issued;

(c) the Licensee has failed to comply with this Bylaw or with a term or condition of the Licence;

(d) in the opinion of the Council, the Licensee has engaged in misconduct with respect to the Business or Premises named in the License, which misconduct warrants the suspension or cancellation of the Licence;

(e) the Licensee is found to have committed a violation of any applicable City bylaw or is convicted of an offence under a Federal or Provincial enactment in respect of the Business for the which the Licence was issued or with respect to the Premises for which the Licence was issued;

(f) the Licensee is convicted of an indictable offence in Canada, which offence is, in the opinion of the Council, directly related to the conduct of the Business.

32.2 A Licence suspension under this Bylaw is for the period of time determined by the Council in each case.

32.3 A Licence that is suspended pursuant to this Bylaw is automatically reinstated upon expiration of the period of suspension.

PESTICIDE OR HERBICIDE APPLICATION BUSINESSES

33. Before a Licence is granted to any person for the purpose of carrying on the business of an applicator of pesticides or herbicides, that person shall obtain a policy of comprehensive general liability insurance from an insurance company authorized to carry on business in British Columbia and shall maintain the policy in effect. The limits of liability shall be not less than the following:

Bodily Injury Liability	$200,000.00	-	each occurrence
Bodily Injury Liability	$200,000.00	-	aggregate products and completed operations
Property Damage Liability	$200,000.00	-	each occurrence
Property Damage Liability	$200,000.00	-	aggregate products and completed operations

The liability policy shall provide that no cancellation, expiration, or material change in the policy shall become effective until after thirty (30) days notice of such cancellation, expiration, or change has been given to the City by return registered mail.

VENDING MACHINE LICENCES

34. Every holder of a Licence to carry on the business of owning, operating, or maintaining one or more vending machines shall keep a notice affixed to each machine stating the Licencee's name, address, and telephone number.

UNSOLICITED BUSINESS

35. No person shall carry on business through unsolicited visits to any residential, commercial or industrial premises in the City.

CONTRACTORS

36. Every person licenced as a Contractor or Contractor – Out of Town shall provide the City with a list of all sub-trades to be engaged on each site, prior to the commencement of any work on the site. The contractor must notify the City upon the addition of subtrades engaged subsequent to the submission of the list within five (5) days of engagement.

TOWING BUSINESSES

37. The fees to be charged in connection with the towing, preparation for towing, removal, handling, impounding, and storage of a vehicle or for any other services where the towing or other services are provided without the vehicle owner's written consent shall be those prescribed by the Insurance Corporation of British Columbia from time to time and applicable within the City of Port Coquitlam.

38. No person engaged in the business of towing motor vehicles shall, without the owner's consent, tow a vehicle from a private parking lot, highway or public place unless it is taken to an impoundment lot located within the City, which lot is protected by a locked fence and has an attendant on duty at all times when there is a vehicle impounded in the impoundment lot.

STREET VENDORS

39. The owner of a Street Vending business:

(a) shall only carry on business as a street vendor on a highway within the City of Port Coquitlam which is located entirely within a designated street vendor zone as designated in Section 39 (n); or

(b) shall only carry on business as a street vendor on private property and where permitted in City's current Zoning Bylaw and shall have written consent from the property owner to operate the vending cart; and

(c) shall not operate within the hours of 9:00 pm and 8:00 am;

(d) shall have the name and address painted in a conspicuous place on both sides of every cart used by the business for such trade satisfactory to the Licence Inspector;

(e) where the business is to be operated on City highway:

i. The Licencee shall obtain and maintain comprehensive general liability insurance in the amount of Five Million Dollars ($5,000,000.00) when

business is to be operated on a City highway. The City shall be included as an additional named insured.

ii. The Licencee shall hold the City harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of a Street Vendor Business. The Licencee's insurer shall recognize the existence of the hold harmless clause.

iii. Proof of such insurance to the satisfaction of the City shall be submitted to the Licence Inspector prior to the issuance of a business licence and prior to all renewals.

iv. Must enter into an encroachment agreement with the City under the City's Highway Use Bylaw No. 4033.

(f) shall provide on site receptacles for garbage and dispose of the garbage in an appropriate manner. Litter shall not be deposited into City litter receptacles;

(g) shall not allow the cart to interfere with pedestrian or vehicular traffic or vehicular sightlines;

(h) shall not hook up to any external power, water, sewer, or other services and shall not store the cart overnight on City property;

(i) shall not allow the cart to take up any required parking or be located in a landscaped area;

(j) shall have a cart which does not exceed dimensions of 1.2 meters wide, 2.4 meters long and 1.8 meters high;

(k) shall only sell food items, excluding liquor and cannabis;

(l) shall not be or become a nuisance by generating excessive odors, music, light, or noise; and

(m) shall not operate within six (6) metres of a fire hydrant.

(n) Street Vendors are permitted to operate on public sidewalks or paved boulevards located within areas designated as Industrial in the Port Coquitlam Official Community Plan, as amended, excluding provincial highways, provided pedestrian and/or automotive travel is not impeded.

MOBILE VENDORS

40. The owner of operator of a Mobile Vending business:

(a) shall have the name and address painted in a conspicuous place on both sides of every vehicle used by the business for such trade, satisfactory to the Licence Inspector;

(b) shall not allow their vehicle to stand on any highway in the city for a longer period at any one time than may be required in making a sale and delivery of any commodity to a customer to a maximum of fifteen (15) minutes at any one place on any highway, nor shall such vehicle be allowed to stand or remain on any highway within the block bounded by intersecting streets for a longer period than

ten (10) minutes during any period of one hour while engaged in the carrying on of his business;

(c) shall not allow their vehicle to stand upon any highway in a manner that would inhibit traffic flow;

(d) shall provide on site receptacles for garbage and dispose of the garbage in an appropriate manner;

(e) shall not operate between the hours of 9:00 pm and 8:00 am;

(f) shall only sell food items, excluding liquor and cannabis;

(g) shall not be or become a nuisance by generating excessive odors, music, light, or noise.

SPECIAL EVENT AND SPECIAL EVENT BUSINESS

41. The owner or operator of a:

(a) SPECIAL EVENT shall only be located in an area zoned as Agricultural, Commercial, Industrial or Institutional in the City of Port Coquitlam Zoning Bylaw. No licence shall be issued until Council approves the Special Event after taking into consideration noise, traffic, security, hours, and other potential community impacts. Council approval is not required for a Special Event being held on a parcel owned by the City of Port Coquitlam or on a parcel zoned P-1 Public Institutional.

(b) SPECIAL EVENT BUSINESS shall only be located in an area designated as Park or School in the City of Port Coquitlam Official Community Plan or on public highway right of way during a City sanctioned special event. Where the City of Port Coquitlam has issued a Special Event Licence to an event organizer that includes provisions regarding Special Event Businesses, a Special Event Business participating in the Special Event does not require a business licence for that purpose.

(c) SPECIAL EVENT who intends to authorize individual vendors to participate in the Special Event shall submit a detailed list of vendors so authorized, including their qualifications, to the City of Port Coquitlam for final approval no later than 14 days before the starting date of the Special Event."

PATIOS

42 Restaurant Businesses wishing to accompany a portion of a sidewalk, highway or other public place for the purpose of operating a patio shall enter into a Patio License Agreement with the City in a form approved by the Manager of Planning, or their delegate, and shall pay an annual fee that equates to $25 per seat. This fee shall be reduced by one-half in respect to a Patio License Agreement entered into after July 31st.

DIVISION 3 - GENERAL REGULATIONS

CANNABIS PRODUCTION BUSINESS

43.1 A Cannabis Production Business must not be operated except in a building or structure equipped with an odour and emissions control system that:

(a) filters air to prevent the escape of odours associated with the cultivation or other production or processing of cannabis plants or plant material, or cannabis derivatives, to the outdoors;
(b) can readily be accessed for inspection, as well as any cleaning and maintenance required to ensure it continues to function as designed and intended; and,
(c) is functioning as designed and intended.

43.2 The Licence Inspector may require an owner of a cannabis production business to provide, prior to obtaining a business licence or business licence renewal under this Bylaw, a certification from a person having qualifications satisfactory to the Licence Inspector that the business premises are equipped with an odour and emissions control system that meets the requirements of section 42.1 of this Bylaw.

43.3 The Licence Inspector shall not make a requirement under section 42.2 if the owner is the holder of and is in full compliance with a valid and subsisting permit to discharge air contaminants from cannabis product manufacturing, that specifically mitigate odor emissions, issued by the Metro Vancouver Regional District under Greater Vancouver Regional District Air Quality Management Bylaw No. 1082, 2008.

SUITE RENTAL BUSINESS

44.1 No owner of a Suite Rental Business in an apartment building shall deliver to any tenant a notice of termination of the tenant's tenancy of a suite in the apartment building in order to renovate or repair the suite, or having delivered such a notice prior to enactment of this Section 43.1, require the tenant to vacate their suite pursuant to the notice, unless the owner has obtained every building permit, plumbing permit, development permit or heritage alteration permit required by any City bylaw and any other permit or approval required to authorize the renovation or repair, and has either:

(a) entered into a new tenancy agreement with the tenant in respect of a comparable suite in the same building, on the same terms, including rent, as the tenancy agreement pertaining to the suite being renovated or repaired, or terms that are more favourable to the tenant, and provided a copy of the agreement to the Licence Inspector, or

(b) made other arrangements in writing for the tenant's temporary accommodation during the course of the renovation or repair, and for their return to their original suite following completion of the renovation or repair, with no increase in rent other than any additional rent increase

allowed under Part 3 of the *Residential Tenancy Act*, and provided to the Licence Inspector satisfactory documentation of the arrangements including evidence of the tenant's consent to the arrangement.

44.2 No owner of a suite rental business shall, having failed to comply with Section 43.1, continue to fail to enter into a new tenancy agreement as described in Section 43.1(a) or make other arrangements for the tenant's temporary accommodation and return to their original suite as described in Section 43.1(b).

44.3 For the purposes of Section 43.1 and 43.2,

(a) an owner of a Suite Rental Business is deemed to have required a tenant to vacate their suite pursuant to a notice of termination of tenancy if, having delivered such a notice prior to the enactment of Section 43.1, the owner has failed to, within 30 days of enactment of this Section 43.3(a), either comply with Section 43.1 or withdraw the notice of termination;

(b) a suite is comparable to a suite that is being renovated or repaired if it has the same or a greater number of bedrooms and complies with the maintenance standards in Section 32 of the *Residential Tenancy Act*, and the rent for the suite is equal to or less than the rent for the suite that is being renovated or repaired; and

(c) the new tenancy agreement may either transfer the tenant's tenancy permanently to the other suite or entitle the tenant to occupy the other suite temporarily during the course of the renovation or repair and return to their original suite following completion of the renovation or repair with no rent increase other than any "additional rent increase" approved under Part 3 of the *Residential Tenancy Act*.

44.4 An owner who is subject to Section 43.1 or 43.2 may apply to the Council for:

(a) an exemption from the applicable section in respect of the owner's building, on the grounds that the owner's renovation or repair plans cannot be safely implemented unless the building is vacated, or

(b) an exemption from the applicable section in respect of a portion of the owner's building, on the grounds that the owner's renovation or repair cannot be safely implemented unless that portion of the building is vacated and there are insufficient vacant suites in the building to which the owner could relocate tenants.

44.5 An application under Section 43.4 must be accompanied by the written opinion of a suitably qualified person that, after due consideration of all practical alternative approaches to the work, the safe implementation of the owner's renovation or repair plans requires that the owner's building be vacated or that a portion of the owner's building be vacated.

44.6 The Council may require an owner who has made an application under Section 42.4 to pay the City's cost in obtaining a second opinion from a suitably qualified

person on whether the safe implementation of the owner's plans requires that the owner's building or portion of the owner's building be vacated.

44.7 The Council may, in approving an exemption, impose conditions pertaining to the relocation of tenants, including conditions relating to the accommodation of tenants during and following the renovation or repair and the rent that may be charged for the suites following the completion of the work.

44.8 Sections 43.1 and 43.2 do not apply to any suite in a building that has been determined by an architect, engineer or building code consultant or any governmental authority having jurisdiction, including the local assistant to the fire commissioner, to have been damaged by natural disaster, fire, water, smoke, insect infestation or structural failure to the point that it is unsafe for any person to occupy the building, if the determination is made in writing and a copy has been delivered to a Licence Inspector before any notice of termination of a tenant's tenancy is delivered to any tenant in the building.

44.9 The Licence Inspector may require an owner of a suite rental business to provide, prior to obtaining a business licence or business licence renewal under this Bylaw, a statutory declaration that states the rent payable in respect of any suite prior to and following renovation or repair work for which the owner required a tenant to vacate their suite and, if the rent was increased, a copy of the director's approval of the rent increase under Part 3 of the *Residential Tenancy Act*.

44.10 The Licence Inspector may issue or renew a business licence under this bylaw to an owner who has applied for an additional rent increase related to renovation or repair under Part 3 of the *Residential Tenancy Act* if the director has not yet decided the rent increase application, if in doing so the Inspector indicates on the licence that a surcharge may become payable under Section 43.11 if the additional rent increase is not allowed, but the rent for the suite in question exceeds the rent that is allowed without the increase.

44.11 The Licence Inspector may levy a monthly business licence surcharge on any owner who increases rent beyond the limit applicable under Section 43.1(b), in the amount that is the difference between the rent permitted by that Section and the rent that the owner's tenant is paying in respect of the suite that has been renovated or repaired, and may refuse to renew the business licence of any owner who, being subject to such a surcharge, has not paid the surcharge by the date on which the licence renewal is required.

44.12 For certainty, Sections 43.1 to 43.12 apply in respect of the renovation or repair of any suite in an apartment building regardless of whether a building permit authorizing the renovation or repair had been applied for or issued prior to the date of adoption of Business Amendment Bylaw No. 4116, 2019, and regardless of whether a notice to terminate a tenancy had been delivered prior to that date.

44.13 In Sections 43.1 to 43.11, "owner" means the owner of any apartment building who operates a Suite Rental Business in the building and includes the person who holds a Licence under this Bylaw to carry on that business.

44.14 Each day on which an owner contravenes Section 43.2 of this bylaw constitutes a separate offence, whether or not the owner subsequently complies with Section 43.1 in respect of that tenancy.

44.15 No offence is committed against Section 43.1 or Section 43.2 of this bylaw:

(a) as of the date on which a tenant, having been given notice of eviction in contravention of this bylaw or having been evicted in contravention of this bylaw, is accommodated by the owner in accordance with Section 43.1, in respect of the renovation or repair for which the tenant has been evicted; or

(b) as of the date on which a copy of a written withdrawal of a notice of eviction that would have contravened this bylaw, having been previously provided to the tenant, is provided to the Licence Inspector.

DISPLAY OF FIREARMS AND AMMUNITION

45 Firearms and ammunition must not be displayed for sale in a manner that renders them visible from outside the business premises.

INDUSTRIAL LANDS RENTAL BUSINESS

46.1 An Industrial Landlord shall, as a condition of obtaining an Industrial Lands Rental Business licence or renewal under this Bylaw, undertake the following:

(a) provide, to the satisfaction of the Manager, a surveyed or dimensioned site plan of the Industrial Rental Site that:
   i. is prepared by a land surveyor or similar qualified person;
   ii. accurately identifies at a reasonable scale the location and extent of each Outdoor Industrial Lease Area;
   iii. includes the location of property lines, legal encumbrances, buildings, vehicular entrances, drive aisles, required parking or landscaped areas and garbage and recycling areas;
   iv. is marked with a numbering or addressing system to identify each Outdoor Industrial Lease area; and
   v. demonstrates clear and unobstructed fire access to each Outdoor Industrial Lease Area.

(b) create a site map of the Industrial Rental Site, which clearly shows the location of each Outdoor Industrial Lease Area marked with the numbering system required under Section 46.1(a), and the business name of the Industrial Tenant occupying each Outdoor Industrial Lease Area;

(c) prominently display the site map on a sign with minimum dimensions of 1.2 x 2.4 m (4 x 8 ft), at main vehicular entrance(s) to the Industrial Rental Site and, where applicable, the site office on the Industrial Rental Site;

(d) provide a copy of the site map to the Manager and Fire Prevention Officer;

(e) prominently display a sign at each entrance to all Outdoor Industrial Lease Area with the number assigned under Section 46.1(a) in figures not less than 10 cm (4 inches) in height; and

(f) delineate each Outdoor Industrial Lease Area through fencing or similar durable barrier, or another method approved by the Fire Prevention Officer.

46.2 As a continuing condition of an Industrial Lands Business Licence, an Industrial Landlord shall:

(a) update the site plan and site map required under Section 46.1 within 30 days of any changes and submit a current copy to the Manager and Fire Prevention Officer;

(b) ensure the signs and fencing required under Section 46.1 are maintained in good repair and in a legible, safe and unobstructed condition; and

(c) maintain clear and unobstructed fire access to each Outdoor Industrial Lease Area in accordance with the site plan and requirements of the Fire Prevention Officer.

46.3 The Manager may require an Industrial Landlord, prior to renewing an Industrial Lands Rental Business licence, to provide an updated site plan, site map, or other information necessary to demonstrate compliance with this Bylaw.

46.4 For clarity, an Industrial Landlord must hold one business licence for each Industrial Rental Site being used to operate an Industrial Lands Rental Business and each Industrial Tenant must hold a separate business licence for its own business activity.

46.5 Nothing in this section authorizes an Industrial Landlord or Industrial Tenant to use land, construct or place a structure, erect a sign or barrier, store materials, or undertake any activity in contravention of a City bylaw or a Federal or Provincial enactment.

DISPLAY OF SPRAY PAINT OR BEAR SPRAY

47.1 A spray paint and/or bear spray retailer must ensure that spray paint or bear spray is kept in a secure storage space that is locked or otherwise inaccessible to the public except when spray paint and or bear spray is under the direct control or supervision of the owner or an employee of the business;

47.2 A person may not sell spray paint or bear spray to a minor unless the minor is accompanied by a parent or guardian;

CLASSIFICATION

48. For the purposes of this Bylaw, businesses are classified in accordance with Schedule A, attached hereto and forming part of this Bylaw.

SEVERABILITY

49. If any provision of this Bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the Bylaw.

REPEAL

50. "Business Bylaw, 2004, No. 3453" including all amendments, is repealed and replaced by this Bylaw.

Read a first time by the Municipal Council this 22nd day of March, 2010.

Read a second time by the Municipal Council this 22nd day of March, 2010.

Read a third time by the Municipal Council this 22nd day of March, 2010.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 12th day of April, 2010.

G. MOORE	***S. RAUH***
Mayor	***Corporate Officer***

RECORD OF AMENDMENTS

BYLAW NO.	AMENDED SECTION	DATE
3796	Section 2/Schedule A	2012 04 10
4102	Cannabis retail	2019 02 05
4116	Suite Rental Business	2019 03 26
4120	Suite Rental Business	2019 05 07
4156	Vehicle for Hire	2020-03-10
4202	Manager Definition	2021-01-12
4232	Cannabis Production	2021-06 22
4275	Paint and Bear Spray	2022-09-20
4447	Patios	2026-07-14
4457	Industrial	2026-10-06

SCHEDULE A
BYLAW NO. 3725

PART I – CATEGORY A

CLASSIFICATION OF BUSINESS	FEE CLASSIFICATIONS	ANNUAL LICENCE FEES PAYABLE
Accessory Home Business	For each business	$90.00
Automated Bank Machine Business	For each ATM	$170.00
Bowling Alley	For each business	$700.00
Cannabis Retail Outlet	For each business	$1500.00
Daycare Business	For each business	$125.00
Distribution Business	For each business	$350.00
Film Production Business	For each business	$200.00
Financial Institution	For each business	$1250.00
General Contracting Business - Out of Town	For each business	$150.00
Hotel / Motel	For each business	$500.00
Industrial Lands Rental Business	For each Outdoor Industrial Lease Area	$25.00
Liquor Establishment or Liquor Store	For each business	$1500.00
Manufacturing Business	For each business	$350.00
Mobile or Street Vending Business	For each business	$800.00
Professional	For each professional	$200.00
Restaurant	For each business	$200.00
Suite Rental Business	For each business	$25.00 per dwelling unit
Special Event	For each event	$100.00
Special Event – Business	For each business during each Event	$25.00

PART 2 - CATEGORY B

CLASSIFICATION OF BUSINESS	FEE CLASSIFICATION	ANNUAL LICENCE FEE PAYABLE
Vehicle for Hire Business	For each vehicle available for Hire	$75.00

PART 3 - CATEGORY C

CLASSIFICATION OF BUSINESS	FEE CLASSIFICATION	ANNUAL LICENCE FEE PAYABLE
Retail Business	For the Building Area in which The business is conducted	$90.00 for the first 30$m^2$ of Building Area and $17.00 for Each addition 10m^2 of Building Area
Wholesale Business	For the Building Area in which The business is conducted	$90 for the first 30$m^2$ of Building Area and $17.00 for Each additional 10m^2 of Building Area
Warehousing Business	For the Building Area in which the business is conducted	$90.00 for the first 93$m^2$ of Building Area and $6.00 for each additional 10m^2 of Building Area

PART 4 - CATEGORY D

CLASSIFICATION OF BUSINESSES	FEE CLASSIFICATION	ANNUAL LICENCE FEE PAYABLE
Other Business	For each business	$200.00