

BYLAW NO. 4344, 2013

Consolidated with amendments in Bylaws: (1) 4508, 2014; (2) 5004, 2019; (3) 5075, 2020;

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A bylaw to provide for the licensing and regulation of businesses in the City of Coquitlam

WHEREAS:

- A. Council for the City of Coquitlam (the “City”) is authorized pursuant to the *Community Charter* to regulate in respect of businesses and to provide for a system of licences, permits and approvals;
- B. Council has previously enacted City of Coquitlam Business Licence Bylaw No. 3882, 2007 and wishes to repeal and replace it; and
- C. Council has provided for an opportunity for persons who consider they are affected by this bylaw to make representations to Council pursuant to section 59 of the *Community Charter*.

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

PART 1—General Provisions

1. Name of Bylaw

- 1.1. This bylaw may be cited for all purposes as the “Business Licence Bylaw No. 4344, 2013.”

2. Commencement and Repeal

- 2.1. This bylaw shall come into force and effect on May 1, 2014.
- 2.2. Upon commencement of this bylaw, City of Coquitlam Business Licence Bylaw No. 3882, 2007 is repealed in its entirety.

PART 2—Interpretation

3. Definitions

3.1. In this bylaw, the following words have the following meanings:

ADULT ENTERTAINMENT USE means the use of any premises to sell, offer for sale, rent, offer for rent, use or show an object, commodity, good, material, device, machine, service or entertainment that is designed or intended to be used in, or is a depiction of, a sexual act as defined in the Motion Picture Act Regulations (B.C.), other than a contraceptive device.

ADULT VIDEO STORE means any premises used as an adult film retailer under the *Motion Picture Act* (B.C.), where adult motion pictures or videos or films are available for sale, rental or use.

AUTHORIZED IDENTIFICATION means any one or more of the following:

- (a) a valid driver's licence containing a photograph of the bearer, issued by the government of a province or territory of Canada or a state of the United States of America;
- (b) a valid identification card, issued by the government of a province or territory of Canada within five years of the date it is produced by the bearer as evidence of identification;
- (c) a valid passport, issued by the government of Canada;
- (d) valid passport containing a photograph of the bearer, issued by a government of a foreign state recognized by Canada;
- (e) any other form of valid provincial or federal identification containing a photograph of the bearer, including a Certificate of Indian Status or a Certificate of Canadian citizenship.

ATM means a machine that permits a customer to access and use one or more financial service customarily provided by a financial institution, including, without limitation, the dispensation of money.

AUTOMATIC VENDING MACHINE means any machine or device that:

- (a) is operated by the insertion of a coin, token, currency, credit card or bank card; and
- (b) sells or dispenses goods or services of any kind, including, without limitation, food, beverages, music, recreation or amusement,

but excludes an ATM.

BODYWORK means the work performed by a bodyworker.

BODYWORKER means a person who:

- (a) is a member in good standing of the Natural Health Practitioners of Canada or the Canadian Shiatsu Society of British Columbia;
- (b) has completed a course recognized by the Natural Health Practitioners of Canada or the Canadian Shiatsu Society of British Columbia that requires at least 300 hours to complete, with at least half of those hours being classroom hours; and
- (c) does not engage in the touching of areola, genitals or anus of a client.

CITY means the City of Coquitlam.

CONTRACTOR means a person who carries on the business of performing work to, in, on or upon an improvement, or of placing or furnishing materials to, on or upon an improvement, or both.

EMPLOYEE means a person engaged in a business for remuneration and includes, without limitation, a proprietor, owner, partner, principal, joint venturer, director, officer, and independent contractor.

FINANCIAL INSTITUTION means a business that provides personal or commercial financial services including accepting deposits, investing money and lending money, and includes a bank, credit union, trust company, and cheque cashing operations but excludes persons providing only mortgage brokerage services.

GOLF COURSE includes driving ranges and golf training academies.

IMPROVEMENT includes anything made, constructed, erected, built, altered, repaired or added to, in, on, upon or under land, or intended to become part thereof, and includes clearing, excavating, digging, drilling, tunneling, filling, grading, ditching.

LICENCE means a valid and subsisting business licence issued pursuant to this bylaw.

LICENSEE means a person to whom a current licence has been issued under this bylaw.

LICENCE INSPECTOR means a person appointed by the City as a Property Use Supervisor, Property Use Inspector, Bylaw Inspector, or Licence Inspector.

LIVING UNIT RENTAL means the business of renting or leasing short or long-term accommodation or lodging in four or more units, but excludes bed and breakfast accommodation.

MANUFACTURER means the business of assembling, fabricating, processing, altering or finishing any goods.

MASSAGE PARLOUR means a business that will offer massage and body rub services, or either of them, to be performed by one or more individuals who are not registered massage therapists in the Province of British Columbia and who are not bodyworkers.

MOBILE VENDING BYLAW means the *Street Vending and Special Event Vending Bylaw No. 4308, 2012*.

NIGHTCLUB includes any premises for which a liquor-primary licence under the *Liquor Control and Licensing Act* (B.C.) is required such as a cabaret, bar or lounge, but excludes a public house.

OFFICER includes:

- (a) every member of the Royal Canadian Mounted Police responsible for the policing of the City; and
- (b) every Licence Inspector.

PERSONAL GROOMING SERVICES include the provision of cosmetic or aesthetic services such as hair cutting and styling, tanning, skin treatments, and nail services.

PET STORE means any business that sells or offers for sale animals.

PROFESSIONAL means any person engaged in the business of performing or offering to perform the services of a profession that is subject to occupational regulation by an enactment of the Province of British Columbia, including those professions that are subject to a self-regulating college or authority, and includes persons subject to any of the following enactments: *Accountants (Certified General) Act, Accountants (Chartered) Act, Accountants (Management Act), Agrologists Act, Applied Science Technologists and Technicians Act, Architects Act, Architects (Landscape) Act, Building Officials' Association Act, College of Applied Biology Act, Cremation, Interment and Funeral Services Act, Engineers and Geoscientists Act, Financial Institutions Act, Foresters Act, Health Professions Act, Land Surveyors Act, Legal Profession Act, Mortgage Brokers Act, Music Teachers (Registered) Act, Notaries Act, Real Estate Services Act, Securities Act, Security Services Act, Teachers Act, Veterinarians Act.*

RECREATION/ENTERTAINMENT/HEALTH/WELLNESS FACILITIES OR SERVICES include facilities and service providers that offer instruction, equipment or space to engage in athletic, social or other recreational activities, and facilities at which artistic, cultural, sporting or other shows, productions, demonstrations, events or games take place, unless otherwise specified in this bylaw.

RENTAL VEHICLE means the business of offering for rent or lease self-driven or self-towed motor vehicles, recreational vehicles, trailers, boats or other similar means for transporting or temporarily housing people.

TOBACCO has the same definition as in the *Tobacco and Vape Products Control Act* (BC) as amended from time to time.

TOBACCO OR VAPOUR PRODUCT STORE means a business selling or offering for sale exclusively or primarily *tobacco* products, *vapour products*, or a combination of both.

VAPOUR PRODUCT has the same definition as in the *Tobacco and Vape Products Control Act* (BC) as amended from time to time.

WAREHOUSE means a business, the primary purpose of which is the warehousing, storage, repackaging or distribution of goods and merchandise on behalf of one or more specific businesses, at or from premises where no sales occur.

ZONING BYLAW means *City of Coquitlam Zoning Bylaw No. 3000, 1996*.

4. Interpretation

- 4.1. For clarity, use of a defined term to describe a business under this bylaw does not limit, expand or otherwise affect interpretation of that activity or use for the purposes of other City bylaws including, without limitation, the Zoning Bylaw.
- 4.2. Reference to a federal, provincial or municipal enactment and any regulations adopted under that enactment, means those enactments and regulations as amended or replaced from time to time.
- 4.3. If any portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

PART 3—Licences

5. Licence Requirements

- 5.1. No person may carry on a business in the City without a valid and subsisting licence in respect of that business.
- 5.2. Every person who carries on a business at more than one premises in the City must apply for and maintain a separate licence in respect of each premises.
- 5.3. Every person who carries on more than one business at one premises must apply for and maintain a separate licence in respect of each business.

6. Licence Exemptions

- 6.1. Despite section 5.1, this bylaw does not apply to:
 - (a) a street vending business, as defined in the Mobile Vending Bylaw, pursuant to a licence issued under that bylaw;
 - (b) a special event vending business, as defined in the Mobile Vending Bylaw, pursuant to a licence issued under that bylaw;
 - (c) taxi cabs and vehicles for hire pursuant to a licence issued under the District of Coquitlam Taxi-Cab Bylaw No. 38, 1972.

7. Licence Application

- 7.1. Every application for a licence under this bylaw must:
 - (a) be made in the form provided by the Licence Inspector for that purpose;
 - (b) be signed by the owner of the business or his or her or its duly authorized agent;
 - (c) contain a true and accurate description of the business, including:
 - (1) the nature of the business operation;
 - (2) a description of the business premises, including its civic address; and
 - (3) any other information the Licence Inspector may require with respect to the operation of the business and its premises; and

(d) be accompanied by payment of the licence fee prescribed for that business.

7.2. The Licence Inspector may inspect all premises and vehicles an applicant proposes to use in furtherance of his or her or its business, and may require that they be inspected by one or more other City officials, including a building inspector, plumbing inspector, or fire prevention officer, by the Chief of Police, or by an officer of the health authority.

8. Form of Licence

8.1. A licence issued under this bylaw authorizes the licensee to carry on the business named and described in the licence in a lawful manner for the period or periods and at the premises specified in the licence, subject to the terms and conditions set out in this bylaw and in the licence.

8.2. Licences issued under this bylaw will be made out in duplicate and one copy will be given to the owner of the subject business.

9. Licence Periods

9.1. Unless otherwise explicitly provided, licences are valid for a period of one calendar year commencing on the earlier of the date on which the licensee commenced carrying on the business in the City, or the date on which a licence is issued for that business.

10. Inspections

10.1. Every applicant and every licensee must:

- (a) permit reasonable access by the Licence Inspector to any premises or vehicle for which a licence is sought or has been granted; and
- (b) provide such business-related information as the Licence Inspector may reasonably request,

for the purposes of ensuring that the requirements of this or another City bylaw are being fulfilled.

11. Granting, Refusing, Suspending and Cancelling Licences

11.1. Council hereby authorizes the Licence Inspector to grant, refuse, suspend and cancel licences under this bylaw.

11.2. The Licence Inspector may grant a licence if he or she is satisfied that the applicant has satisfied the requirements of this and all other applicable City bylaws.

- 11.3. It is a term and condition of every licence issued under this bylaw that the business must be carried on in strict compliance with all applicable City bylaws and federal and provincial enactments.
- 11.4. The Licence Inspector may grant a licence on terms and conditions including any one or more of the following:
- (a) that the licensee comply with a particular provision of a City bylaw or other enactment within a specified period of time, and provide evidence satisfactory to the Licence Inspector of that compliance;
 - (b) the duration of the licence;
 - (c) the hours of operation of the business;
 - (d) the maximum number of customers, patrons or occupants permitted at the business premises; and
 - (e) other terms and conditions that the Licence Inspector reasonably considers necessary or desirable to ensure compliance with this bylaw or another enactment.
- 11.5. The Licence Inspector may refuse, suspend or cancel a licence for reasonable cause upon the provision of written reasons for the refusal, suspension or cancellation.
- 11.6. Without limiting what constitutes reasonable cause for the refusal, suspension or cancellation of a licence, the following may constitute reasonable cause:
- (a) the applicant or licensee fails to comply with this bylaw;
 - (b) the licensee fails to comply with a term or condition of a licence;
 - (c) the licensee is convicted of an offence in Canada that, in the opinion of the Licence Inspector, directly relates to the business;
 - (d) the licensee violates any City bylaw in respect of the business or the business premises;
 - (e) the licensee ceases to meet the lawful requirements to carry on the business;
 - (f) the licensee has engaged in misconduct in respect of the business or the business premises which, in the opinion of the Licence Inspector, warrants the suspension or cancellation of the licence.

- 11.7. Without limiting the generality of section 11.6, when exercising the authority to refuse, suspend or cancel a licence the Licence Inspector may consider any information provided to him or her by another municipality or governmental authority in respect of that business or licensee.
- 11.8. If the Licence Inspector suspends a licence under section 11.5:
- (a) the suspension is for such period as the Licence Inspector may specify; and
 - (b) the Licence Inspector may impose additional terms or conditions that the licensee must meet in order to obtain a licence at the end of the suspension period.
- 11.9. If the Licence Inspector refuses to grant, suspends or cancels a licence under section 11.5, the applicant or licensee, as the case may be, is entitled to have Council reconsider the Licence Inspector's decision.
- 11.10. If an applicant or licensee wishes to have Council reconsider the Licence Inspector's decision to refuse, suspend or cancel a licence, he or she must, within ten business days of the date of the decision, deliver to the City Clerk a written request stating the grounds upon which the request for reconsideration is based.
- 11.11. Upon receipt of a request under section 11.10, the City Clerk will notify the applicant or licensee of the time and place at which Council will reconsider the decision.

12. Licence Amendments

- 12.1. Every licence issued under this bylaw is personal to the licensee named on it, and must not be transferred to another person.
- 12.2. No person shall make, or cause, permit or allow to be made, any change to a business including, but not limited to:
- (a) a change in the location of the business's premises;
 - (b) a change to the operating name of the business;
 - (c) a change that affects any term or condition on which the licence was issued; or
 - (d) a change that would increase the licence fee payable in respect of the business, without first applying to the Licence Inspector to have the licence amended.

- 12.3. An application for a licence amendment must:
- (a) be made in the form provided by the Licence Inspector for that purpose;
 - (b) be signed by the owner of the business or his or her or its duly authorized agent;
 - (c) contain a true and accurate description of the change prompting the amendment application;
 - (d) be accompanied by payment of the difference in the applicable licence fee, if any; and
 - (e) be accompanied by payment of the prescribed licence amendment fee.
- 12.4. The Licence Inspector may grant or refuse the licence amendment on the same or different terms and conditions in accordance with the provisions of section 11. of this bylaw.

PART 4—Licence Fees

13. General Fees

- 13.1. Every applicant for a licence, every licensee wishing to renew his or her or its licence, and every person applying for a licence amendment must pay all applicable fees prescribed for that purpose.
- 13.2. The Licence Inspector shall determine a business's classification for the purposes of assessing its prescribed licence fees.

14. Late Fees

- 14.1. If:
- (a) an applicant for a new licence applies after commencing operation of the business in the City; or
 - (b) a licensee applies to renew his or her or its licence after the expiry of the current licence for that business,

then the application will be treated as a late application and must be accompanied by payment of a late fee equal to 25% of the licence fee otherwise applicable for that business in addition to all other fees.

- 14.2 Despite subsection 14.1, any late fee incurred under subsection 14.1 by an applicant or a licensee from March 1, 2020 to December 31, 2020 will be waived.
- 14.3 Subsection 14.2 is repealed January 1, 2021.

15. Refunds

- 15.1. The City:
- (a) will refund a paid licence fee (minus the lesser of \$200.00 or 50% of the licence fee) if an applicant requests a refund before a licence is issued and before the City has conducted any inspections of the proposed business premises;
 - (b) will refund a paid licence fee (minus the lesser of \$400.00 or 50% of the licence fee) if an applicant requests a refund before a licence is issued but after the City has conducted any inspections of the proposed business premises;
 - (c) will not issue a refund in any other circumstances including, without limitation, because a licensee ceases to own or operate the business during the applicable licence year.

PART 5—General Regulations

16. Posting of Licence

- 16.1. Every licensee shall post his or her or its licence in a conspicuous place on the premises or vehicle or other place or thing in respect of which the licence is issued.
- 16.2. Despite section 16.1, if a licensee does not maintain business premises, vehicles or other places or things in the City, the licensee shall carry the licence on his or her person at all times when engaged in the business for which the licence was issued.

17. Windows

- 17.1. No person shall darken, frost or otherwise obscure the windows of business premises such that the interior of the premises is not visible from the exterior, except persons operating the business of an adult entertainment use or an adult video store.
- 17.2. Notwithstanding section 17.1, no person shall cause, permit or allow the windows of a *tobacco or vapour product store* to be darkened, frosted or otherwise obscured in any manner.

PART 6—Specific Regulations

18. Carnivals

- 18.1. It is a term and condition of every licence issued in respect of a carnival or other show having any mechanical ride or riding device that the licensee obtain, maintain and provide to the City proof satisfactory to the Licence Inspector of a commercial general liability insurance policy that:
- (a) has limits of not less than \$5,000,000 per occurrence;
 - (b) covers bodily injury, death and property damage;
 - (c) includes the City as a named insured;
 - (d) contains a cross-liability clause;
 - (e) provides that the insurer will give the City at least 30 days' prior written notice of cancellation of, or material alteration to, the policy.

19. Contractors

- 19.1. Every person to whom a licence for a contractor's business has been issued by the City must, within 10 business days of a request by the Licence Inspector, provide the City with a list of all subcontractors or subtrades engaged for a specific job in the form prescribed by the Licence Inspector.

20. Massage Parlours

- 20.1. In addition to the requirements in section 7.1 of this bylaw, an applicant for a massage parlour business licence must provide to the Licence Inspector:
- (a) a copy of the authorized identification and current criminal records search (no older than 30 days from the date of application) for each proprietor, partner, director, and officer of the business, and for each employee who will be providing massage services;
 - (b) the name of the proprietor, partner, director, officer or employee who will provide day-to-day management of the massage parlour.
- 20.2. Without limiting the generality of section 11.6 of this bylaw, the Licence Inspector may refuse, suspend or cancel a licence if any of the criminal records searches provided under section 20.1(a) contain a conviction for any offence related to the keeping of a common

bawdy house, prostitution, drug possession or dealing, pornography, or violent crimes against any person.

- 20.3. The person identified in section 20.1(b) as providing day-to-day management of a massage parlour must:
- (a) maintain a written record containing the full name, address and telephone number of every person to whom the massage parlour provides services, together with the date, time, nature and cost of every service performed for each person and the method of payment;
 - (b) make the written records required under subsection (a) immediately available for inspection by the Licence Inspector at any time upon request;
 - (c) not permit an employee to provide massage services until the requirements of section 20.1(a) have been met; and
 - (d) produce authorized identification upon request by an officer.
- 20.4. No person may operate a massage parlour except in compliance with all of the following conditions:
- (a) the public entrance to a massage parlour must front onto a public place;
 - (b) the public entrance to a massage parlour must have a glass door and a transparent glass window that is not less than two metres wide by two metres high, with both the door and window not obscured by signage, coverings or other materials;
 - (c) any room within the massage parlour that is used for massages must:
 - (1) have a transparent or translucent window with dimensions of not less than 1 metre wide by 1 metre high that is visible to the public reception area of the massage parlour, with such window not obscured by signage, coverings or other materials,
 - (2) be illuminated at a level which is not less than that used in standard business offices at all times when in use,
 - (3) contain a massage table that is made of metal, is not less than 1 metre in height, and is supplied with single use, disposable coverings, and
 - (4) not contain any mattress, futon, bed, couch, chair or other item of furniture that could reasonably be used as a bed;

- (d) the massage parlour may only be open for business between the hours of 09:00 and 22:00 any day of the week; and
 - (e) all employees of the massage parlour must be 19 years of age or older.
- 20.5. All employees providing massage services at a massage parlour must produce authorized identification upon request by an officer.
- 21. Pet Sales**
- 21.1. No person operating a pet store shall sell or offer for sale any rabbit unless it has been spayed or neutered.

PART 7—Enforcement

22. Offence

- 22.1. Every person who violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to be guilty of an offence against this bylaw and is liable for a fine not exceeding the maximum allowable under the *Offence Act* (B.C.).
- 22.2. Every infraction shall be deemed to be a continuing, new and separate offence for each day during which it continues.

READ A FIRST TIME this 9th day of September, 2013.

READ A SECOND TIME this 9th day of September, 2013.

READ A THIRD TIME this 9th day of September, 2013

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 10th day of March, 2014.

_____ MAYOR

_____ CLERK