

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 1510**



A Bylaw respecting the granting of Licences
and the regulation of Business

CONSOLIDATED FOR CONVENIENCE ONLY

Disclaimer: This Bylaw is a consolidation of the bylaws amending White Rock Business Licence Bylaw, 1997, No. 1510. Efforts are made to ensure that this consolidation is current however accuracy and completeness cannot be guaranteed. Original bylaws should be consulted for all interpretations and applications of the bylaw regarding this subject.

Consolidated as of February 20, 2018

Date Adopted	Bylaw No.	Purpose of Amendment
October 20, 2008	1847	Amendment to Schedule A – Group 4 regarding Bed and Breakfast
July 29, 2009	1898	Amendment to the Interpretation and Separate License Sections regarding “Drug Paraphernalia.”
April 28, 2014	2060	Amendment to Sections 1 “Interpretation”, Section 8 “License Period”, and Section 9 “License Fees”.
December 12, 2016	2149	Amendment to Section 18, “Zoning”
February 19, 2018	2238	Amendment to Section 5 “General Exceptions” and Section 19 “Regulations”; addition of Section 23 “Severability”

The CITY COUNCIL of The Corporation of the City of White Rock in open meeting assembled, ENACTS as follows:

1. Interpretation

In the construction and interpretation of this Bylaw the following words and terms shall have the meanings hereby assigned to them, unless the context otherwise requires:

"Applicant" means any person who makes application for a licence under the provisions of this bylaw.

"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.

"Collector" shall mean the collector of taxes for The Corporation of the City of White Rock.

"Council" means the City Council of The Corporation of the City of White Rock.

¹**"Drug Paraphernalia"** means any product, equipment, thing or material of any kind used or designed to be used to produce, process, package, repackage, store, contain, smoke, inhale, inject, ingest or otherwise introduce into the human body a controlled substance as defined in Schedules I, II, and III of the *Controlled Drugs and Substances Act*, SC 1996, c. 19, as may be amended from time to time other than a controlled substance permitted under that Act. Without limiting the generality of the foregoing, drug paraphernalia includes pipes of any kind for the smoking of cannabis, including bongs and hookahs.

"Inspector" shall mean the person from time to time appointed as Licence Inspector of the City and shall include any acting or assisting Inspector or Inspectors.

²**"Licence Period"** shall mean one (1) year from the day the business licence is issued by the City.

"Non-Resident Business" means a business other than a Resident Business carried on within the City with respect to which any work or service is performed within the City.

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

¹ Bylaw Amendment, 2009, No. 1898

² Bylaw Amendment, 2014, No. 2060

2. Licence Requirement

No person shall carry on a business within the City of White Rock without holding a valid and subsisting licence for the business so carried on.

3. Separate Licence

For the purpose of this bylaw where a business is carried on in or from more than one premises in the City, the business carried on from or in each premises shall be deemed to be a separate business.

3. Drug Paraphernalia³

(a) No person carrying on a business within the City of White Rock shall display or cause to be displayed any drug paraphernalia, or advertise or promote or cause to be advertised or promoted the use of drug paraphernalia in any manner by which the drug paraphernalia or the advertisement or promotion

(iii) may reasonably be seen inside the business premises, or

(iv) are clearly visible to a person outside the business premises.

(b) For the purposes of subsection (a), "advertise or promote the use of drug paraphernalia" means to advertise or promote the use of drug paraphernalia by any means, including by

(iii) displaying on a sign, video, clothing or other tangible Object

a. the name of a drug paraphernalia brand or product manufacturer,

b. an abbreviation or other thing that would reasonably identify the name of a drug paraphernalia brand or product manufacturer, or

c. a graphic, design or symbol that is commonly associated with the name of a drug paraphernalia brand or product manufacturer, or

(iv) making available any sign, video, clothing or other tangible object that displays any of the things set out in paragraph (i).

(c) A person carrying on business within the city of White Rock may advertise on the business premises the types of drug paraphernalia for sale by means of a sign that meets all of the following criteria:

(iii) the sign must not be larger than 968 cm²;

(iv) the background of the sign must be white only;

(v) the text of the sign must be black only;

(vi) the letters in the text of the sign must not be higher than 5cm;

(vii) except for the "\$" symbol in front of a price, the sign must not contain

³ Bylaw Amendment, 2009, No. 1898

- any graphic or design, or any symbol that is not an alpha-numeric character;
- (viii) the sign must not include the name of a drug paraphernalia brand or manufacturer;
- (ix) the sign must not include any abbreviation, or other thing that would reasonably identify the name of a drug paraphernalia brand or manufacturer;
- (x) the sign may advertise only
 - a. the types of drug paraphernalia for sale, and
 - b. the prices of, or a price range for, those types of drug paraphernalia.
- (d) In respect of the signs described in subsection (c), no person shall:
 - (iii) have a sign that contravenes any of the requirements of subsection (c); or
 - (iv) have more than 3 signs on the premises of the business establishment, including more than one sign at each point-of-sale system.
- (e) No person carrying on a business shall sell drug paraphernalia to any person under the age of 19 years except where the premises are licensed as a pharmacy under the *Pharmacists Act*.

4. Exemptions

The following nonresident businesses are hereby exempt from the provisions of this bylaw.

- (a) Bona Fide, Commercial travelers offering for sale or selling goods, wares or merchandise to Bona Fide merchants for resale by the merchants in the ordinary course of their business.
- (b) Owners or operators of carriers other than taxi cabs, who either pick up passengers or chattels in the City for discharging or delivery outside the City or discharge or delivering within the City passengers or chattels picked up outside the City or both, unless the City forms part of the trading area pursuant to the "*Municipal Act*".
- (c) Owners or operators of taxi cabs, who only discharge passengers within the City unless the City forms part of a trading area pursuant to the "*Municipal Act*".
- (d) Owners or operators of retail business who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged.
- (e) A wholesaler or manufacturer or processor who is only in the business of offering for sale or selling his own goods, wares or merchandise and delivering these in his own vehicle to merchants for resale by the merchants in the ordinary course of the

business.

- (f) A person practicing any profession governed by a special act, unless he regularly and generally carries on business in the City.

5. General Exemptions

- (a) No licence is required with respect to any performance, concert, exhibition or entertainment or concession which is held in a licenced theatre or duly licenced premise. Notwithstanding the foregoing, a licence is required for any performance, exhibition or entertainment that is, or involves an adult entertainment use.⁴

- (b) No licence is required for the business of letting or renting a room where not more than two rooms are available for letting or renting.

6. Application for Licence

- (a) All applications for licences under this by-law shall be made to the Inspector on the application form provided for that purpose.
- (b) Every applicant shall make a true and correct statement in writing on the application form disclosing the nature and character of the business to be carried on, the address of such business and such other facts as are required by the application form.

7. Purpose of Licence

Every licence issued pursuant to this by-law shall state that the holder is licenced to carry on the business stipulated in the licence in a lawful manner for the periods specified in the licence at the place specified in the licence.

8. Licence Period

- (a) All business licences granted pursuant to this bylaw, unless suspended, cancelled or revoked, are valid for one (1) year and will expire on the same day of the month following the one (1) year anniversary of the date the business licence was issued.⁵
- (b) Notwithstanding sub-section (a) of this section, the period for a licence in respect of:
 - (i) the period for a licence with respect to a circus, horse show, dog or pony show, exhibition, or other itinerant shows, or entertainment, when held

⁴ Amendment Bylaw, 2018, No. 2238

⁵ Amendment Bylaw, 2014, No. 2060

elsewhere than in a licenced theatre or other licenced place shall be for one day.

9. Licence Fees⁶

- (a) Business licence fees are set out in Schedules “A” and “B” attached to and forming part of parent Bylaw No. 1510 and all amending bylaws, no business licence shall be issued until full payment of such fee is received by the City.
- (b) When a person pays the business licence fee prior to the day the business licence period commences, they will receive a 10% discount on that business licence fee.

10. Licence Posted

A copy of every licence issued pursuant to this by-law shall be delivered to the person licenced and such person shall post the same and keep the same posted in a conspicuous place on the premises or on the thing or article in respect of which the licence is issued.

11. Change of Condition

Where the licence fee for any business is based on the floor area, ground area, number of people regularly engaged, number of machines, appliances or rental units used in the carrying on of the business, no person shall change such factors upon which the licence fee is based without immediately notifying the Inspector in writing and paying any additional licence fee which may be payable pursuant to this bylaw as a result of such change.

12. Transfer

- (a) Every licence granted pursuant to this by-law shall be deemed to be a personal licence to the licensee named therein and in the event of change of operator of the business for which such licence was issued, the new operator of the business shall apply for a new licence pursuant to the terms of this bylaw.
- (b) No person to whom a licence has been granted under this bylaw shall change the location of the premises in which he carried on the business without first applying to the Inspector in writing to have the licence altered in respect to the location of the premises set out herein and any person carrying on business at a premises other than the premises as specified in the licence shall be guilty of an infraction of this by-law.

⁶ Amendment Bylaw, 2014, No. 2060

13. Inspections

The Inspector or any Peace Officer or the Medical Health Officer is hereby authorized to enter at all reasonable times, any house, place, premises, vehicle or other place in respect of which a licence has been granted pursuant to this by-law, to ascertain whether the regulations and provisions of this by-law are being obeyed.

14. Partnerships

Unless otherwise specified in this by-law where a business is carried on as a partnership it shall be deemed a sufficient compliance with this by-law if one licence is taken out in the name of the partnership or firm and the licence fee is paid therefor.

15. Refusal of Licence

The Council may by a unanimous vote of all the members' present refuse in any particular case to grant an application for a licence but the granting or renewal of such licence shall not be unreasonably refused.

16. Power of Licence Inspector

(a) Where the Licence Inspector is satisfied that the applicant therefor has complied with the requirements of the relevant City by-laws, he may grant a licence pursuant to this by-law.

(b) The Licence Inspector may suspend, for such period as he may determine, any licence the holder of which:

- i. is convicted of an indictable offence;
- ii. is convicted of any offence under any City by-law or statute of the Province in respect of the business for which he is licenced or with respect to the premises named in his licence;
- iii. has in the opinion of the Licence Inspector been guilty of such gross misconduct in respect of the business or in respect to the premises named in his licence as to warrant suspension of his licence;
- iv. has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his licence.

(c) Any person whose licence has been suspended pursuant to this section may appeal to the Council and upon such appeal the Council may confirm or set aside such suspension on such terms as Council may think fit.

- (d) The Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard, but such notice and opportunity to be heard is not required in respect of the licensee who, by reasonable efforts, cannot be found.

17. Approval of Premises

All premises, in or upon which an applicant for a licence proposes to carry on or conduct any business, shall, before any such licence is granted, comply in all respects with the requirements of the by-laws and regulations of the City dealing with zoning, health, sanitation, business and building; and shall also comply with the Provincial Building Code and all other applicable Provincial regulations and requirements.

18. Zoning⁷

Before any licence is granted in respect of any premises, the Inspector shall be satisfied that the use for which the licence is sought shall not be in violation of the Zoning bylaw or of any bylaws then in force with the City, and no licence shall be issued if the carrying out of that business in the premises applied for would be contrary to any City bylaws, applicable laws, rules, codes, regulations and orders of all Provincial and Federal authorities having jurisdiction over such business.

19. Regulations

- (a) All operators of premises in which rooms or suites are let for lodging or living purposes shall maintain a register of persons dwelling therein and such register shall include the name and occupation of such person, and shall be produced at the request of any Inspector or Peace Officer, but this clause shall not apply to the operator of premises having not more than two rooms available for letting.
- (b) Every person carrying on the business of or operating a private patrol agency shall supply the Officer in Charge of the White Rock Detachment of the Royal Canadian Mounted Police with the name, age, address and description of all persons employed. No person carrying on the business of a private patrol agency shall adopt as an official uniform any form of suit, coat, uniform or other mode of dress similar to or being capable of being mistaken for the uniform of a police officer.

The operator of and every person employed by a private patrol agency shall secure at his own expense a civil identification card issued by the Officer in Charge of the White Rock Detachment of the Royal Canadian Mounted Police.

⁷ Amendment Bylaw, 2016, Bylaw 2149

Such card shall be carried by such operator and employee at all times while performing any duties on behalf of any private patrol agency and shall be produced for inspection upon the demand of any police officer.

All person carrying on the business of or operating a private patrol agency shall file with the Officer in Charge of the White Rock Detachment of the Royal Canadian Mounted Police a list of all premises that they have agreed to guard or patrol and shall furnish a supplementary report each month of any additions or deletions from such list.

- (c) All persons purchasing, taking in barter, or receiving used or second-hand goods shall notify the Officer in Charge of the White Rock Detachment of the Royal Canadian Mounted Police within 24 hours after receiving such goods by delivering to him a list of the articles, together with the name and address of the person from whom they were obtained and no person shall alter the form of sale or otherwise dispose of such goods within 72 hours of receiving the same.
- (d) No person shall sell, or offer to sell or display for sale, turtle or viable turtle eggs, except that this prohibition shall not apply to an educational, scientific or medical institution.
- (e) ⁸All adult entertainment uses shall abide by the following:
 - (i) Any establishment, or part thereof that provides adult entertainment must meet the following provisions:
 - (1) the performance area and/or interior is not visible from the abutting parking lot(s), sidewalk(s), street(s), roadway(s), highway(s), pedestrian pathway(s), or other building(s); and
 - (2) all performances shall be restricted to the stage or other approved performances as noted on a City approved floor plan.
 - (ii) A license to provide an adult entertainment use shall only be granted subject to the following terms and conditions:
 - (1) minors (under the age of 19) shall not be permitted in the establishment;
 - (2) the hours of operation shall be between 11 AM and 11 PM; and
 - (3) entertainers providing adult entertainment, including but not limited to exotic dancers, cannot engage in physical contact with any other person in any manner whatsoever, cannot engage in real or simulated sex acts, cannot share or serve food or beverages, or pass objects to members of the audience, and cannot deliberately engage a patron in an adult-oriented performance.
 - (iii) Every owner of an establishment where an adult entertainment use is carried out, or every operator of an adult entertainment use, shall ensure that any and all terms and conditions attached to the licence to operate are

⁸ Amendment Bylaw, 2018, Bylaw 2238

strictly adhered to and abided by. Without limiting section 16 of this *Business License Bylaw*, failure to abide by any terms or conditions constitutes:

- (1) an offence; and
- (2) grounds for suspension or cancellation of a business licence that permits an adult entertainment use.

20. Penalty

(a) Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law, who does any act which violates any of the provisions of this By-law, shall be guilty of an offence and upon conviction therefore shall be liable to a fine and penalty not exceeding Two Thousand Dollars (\$2,000.00), or in the alternative to imprisonment for any period of time not exceeding six (6) months.

(b) Where a person is in violation of any provision of this By-law, the Director of Permits and Licences and his Assistants, Building and Licence Inspector or By-law Enforcement Officer, may issue a violation notice to be served personally or by registered mail upon the person in violation; and such person shall be liable to pay the City of White Rock the respective sum or sums, indicated in the violation notice set out as follows:

- \$75.00 for each violation of the By-law.
- \$50.00 for each violation if paid within 48 hours of the issuance of the violation notice.

If the penalty indicated on the Violation Notice is not paid within seven (7) days of the issuance, a Summons may be issued in respect of the violation.

21. "White Rock Business Licence By-law, 1989, No. 1172" and all amendments thereto are hereby repealed.

22. This by-law may be cited for all purposes as "White Rock Business Licence By-law, 1997, No. 1510".

RECEIVED FIRST READING on the 24th day of March, 1997 RECEIVED

SECOND READING on the 24th day of March, 1997 RECEIVED THIRD

READING on the 24th day of March, 1997

RECONSIDERED AND FINALLY ADOPTED on the 14th day of April, 1997

MAYOR

CITY CLERK

23. Severability⁹

Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

⁹ Amendment Bylaw, 2018, Bylaw 2238

"SCHEDULE "A"
GROUP 1

For the following, the fee for each licence period shall be \$320.00 plus \$25.00 for each employee.

Accountant	Real Estate Appraiser
Night Security Patrol	Homeopath
Agent	Refractionist
Ophthalmologist	Insurance Agent
Architect	Stockbroker
Optometrist	Insurance Adjuster
Auctioneer	Surgeon
Optician	Investment Company
Barrister & Solicitor	Tax Preparation
Osteopath	Investment Dealer
Chiropractor	Taxi
Personnel Service	Land Surveyor
Dental Laboratory	Therapist
Physician	Legal Services
Dentist or Dental Surgeon	Trust Company
Physiotherapy Clinic	Loan Company
Drafting	U-Drive Operator
Property Management Consultant	Management Consultant
Economic Consultant	Veterinarian
Psychiatrist	Manufacturer
Engineer	Medical Laboratory
Real Estate Agent	Mortgage Company
Funeral Home	

SCHEDULE "A" - GROUP 2

For the following, the fee for each licence period shall be \$150.00 plus \$25.00 for each employee.

Auto Towing	Clock Repair
Interior Decorating Consultant	Repair Services
Auto Wrecker	Contractor
Janitor Service	Rest Home
Automotive Repairs or Dealer	Courier Service
Jeweler	Restaurant
Background Music Supply	Dental Mechanic
Junk Dealer	Retail Store
Bakery	Dental Technician
Landscaping	Secondhand Dealer
Barber	Designer
Laundry	Shipbuilder
Barter Exchange	Dog Grooming
Milk Delivery	Stenographic Services
Beach Recreation Service	Dressmaker Tailor
Milliner	Driving School
Beauty Parlour	Telephone Answering Service
Mobile Services	Electrologist
Boat Charter	Television Technician
Movers	Express Company
Boat Rental and/or Mooring	Tool Rental
Nursery	Fuel Vendor or Merchant
Bus Operator	Travel Service
Pawnbroker	Garage or Service Station
Business Services	Tree Topping Service
Photographer	Garbage Collection
Carwash	Upholsterer
Printer and/or Publisher	Hair Dresser
Caterer Recreation	Wholesale Merchant
Accommodation	Holding Company
Cleaner and Dyer	House Cleaning Service
Rental Supplies	

“SCHEDULE "A"”
GROUP 3

For the following, the fee for each licence shall be \$105.00 plus \$25.00 for each employee.

Chimney Sweep

Dancing Academy

Daycare Centre

Dramatic Art Studios (Art, Drama, Vocal, Music)

Equipment Hire

Kindergarten and/or Nursery School

Locksmith

Piano Tuner

Shoe Repair

Tool Sharpener

“SCHEDULE "A"
GROUP 4

Business Fee for each licence unless otherwise stated

All establishments, excluding restaurants, where liquor is sold for consumption within the premises.		\$2,000.00
Apartment Units, Rental	Per apartment unit	\$40.00
Automated Banking Machines	(Remote Locations)	\$100.00
Automatic Laundry	For the first five machines For each additional m/c	\$155.00 \$ 8.00
Banks		\$2000.00
¹⁰ Bed and Breakfast	Basic Per Unit	\$150.00 \$25.00
Bowling Alley for first four alleys or runway		\$105.00
	For each additional alley or runway	\$25.00
Carnival	Per Day	\$210.00
Christmas Tree Sales		\$85.00
Circus, Menagerie, Hippodrome, or Horse, Dog or Pony Show	Per Day	\$210.00
Exhibition (other than in Theatre)	Per Day	\$400.00
General Contractor (person carrying on business providing more than one of the following trades - Building, Electrical, Plumbing, Heating, Painting, Excavating, Masonry	Basic Each additional trade Per employee	\$150.00 \$60.00 \$25.00
Go-Karting Concession		\$105.00
Hotel		\$2,000.00
Mail Order Business		\$520.00

¹⁰ Bylaw Amendment, 2008, 1847

For each employee		\$25.00
Mechanical Rides, Ferris Wheel, etc.	For each ride	\$105.00
Motel, Motor Hotel	Per unit	\$16.00
Pool Room	For first Billiard or Pool Table	\$80.00
	For each additional Table	\$25.00
Public Market		\$410.00
Theatre, Amusement Hall, Concert Hall, Music Hall, Opera House	Seating capacity up to 250	\$160.00
	Seating capacity more than 250, but not more than 500	\$300.00
	Seating capacity in excess of 500	\$480.00
A performance, concert, exhibition, or entertainment, the entire proceeds of which above actual Bona Fide expenses, are devoted to any charitable purposes.		NO CHARGE
Vending machines for the sale of confectionary, stationary, tobacco or goods or services of any kind.		\$25.00
Vending machines for the sale of amusements.		\$85.00

"SCHEDULE "A"
GROUP 5

Any business not specifically named in any other group.

The fee for each licence period shall be: \$150.00 plus \$25.00 for each employee.

"SCHEDULE "B"

Any person whose business within the City of White Rock, including barter, sales or service is mainly conducted or solicited by telephone, or on a property to property basis shall be deemed to be an itinerant trader. No business shall be conducted on any public property or streets except the sale of ice cream products in residential zones only or those approved by Council for special events or as permitted elsewhere in this bylaw. Itinerant traders shall pay the applicable licence fee for each licence period.

Automobile Parts & Accessories \$260.00 per person

Books, Magazines and Periodicals
(excluding newspapers as delivered
by news-boys) \$260.00 per person

Builders Supplies \$300.00 per person

Christmas or Greeting Cards \$65.00 per person

Correspondence Courses \$125.00 per person

Clothing or Footwear \$300.00 per person

Cosmetics or Personal Articles \$125.00 per person

Crockery or Chinaware \$260.00 per person

Foods (other than milk delivery) \$208.00 per person

Hardware or Electrical appliances \$300.00 per person

Household Furniture including
Radios or Television Sets \$300.00 per person

Jewelry or Furs \$300.00 per person

Musical Instruments or Supplies \$300.00 per person

Photographs, Photographic Supplies
or Photographic Materials \$300.00 per person

Piano Tuner \$65.00 per person

Services, including appliance repairs
roof repairs and driveway servicing \$300.00 per person

Sporting equipment including Boats,
Motors and Accessories \$300.00 per person

Welcome Service \$58.00 per person

Any other Itinerant Trade or Business
not hereinbefore mentioned \$300.00 per person
