



BUSINESS LICENCE BYLAW 2002

Bylaw 3153

CONSOLIDATION

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter* and in accordance with section 1 of Consolidation and Revision Authority Bylaw 3514, 2013.

Current to August 23, 2024

Last amended on August 21, 2024

LIST OF AMENDMENTS

Bylaw Number	Description of Amendment	Effective Date (YYYY-MMM-DD)
3157	Repeal section 3 and substituting; add section 7.1; delete section 8(3) and substituting; delete section 8(6) and substituting	2002-Dec-18
3197	Repeal section 1 and substitute; section 4(1)(b) replace Jul 31 with July 1; section 4(3)(b) replace January 31 with February 28; section 10(b) replace March 31 of next year with December 31 of the licence year	2004-Jan-21
3470	Striking out references to fees specified and inserting "as prescribed in the Fees Bylaw	2012-May-16
3548	Miscellaneous title changes	2014-Jul-16
3567	Replace "section 652 of the <i>Local Government Act</i> " with "the <i>Community Charter</i> "; add definition to Business Licence Officer; repeal and substitute section 11; repeal section 13	2015-Dec-15
3658	Add definitions to section 1; add section 7.2 Mobile food service; add section 7.3 Food Cart; add section 7.4 Size; add Schedule	2017-June-21
3949	Replace Business Licence Officer with Business Licence Inspector.	2024-Feb-07
3962	Deleting section 8 [reconsideration of Business Licence Inspector's decision] in its entirety	2024-Aug-21



The Corporation of the District of North Cowichan

Business Licence Bylaw 2002

Bylaw 3153

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The Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Definitions

1 In this Bylaw:

"business" has the same meaning as in the *Community Charter*;

"Business Licence Inspector" means the Manager of Bylaw and Business Licensing Services;
[BL:3949]

"food cart" means a non-motorized mobile cart from which food or beverages are carried, contained, and offered for sale to the public;

"food trailer" means a portable, self-contained trailer that is equipped to cook, prepare or serve, and offer food or beverages for sale to the public, but does not include a food cart;

"food truck" means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare or serve, and offer food or beverages for sale to the public, but does not include a food trailer or food cart;

"intermunicipal business licence" means a business licence issued by a municipality that is a party to the Intermunicipal Business Licence Agreement authorized by Intermunicipal Business

Licence Agreement Bylaw 2003, No. 3169;

“licence” means a licence issued under this Bylaw to carry on a business in North Cowichan, and an intermunicipal business licence to carry on a business in participating municipalities, as authorized by “Intermunicipal Business Licence Agreement Bylaw 2003”, No. 3169;

“mobile food service” means the operation of a food service business from a food truck, food trailer or food cart;

“North Cowichan” means The Corporation of the District of North Cowichan or, if the context requires, the territory incorporated as The Corporation of the District of North Cowichan.

[BL3197; BL3567; BL3658]

Licence requirement

- 2** (1) Subject to the next 2 subsections,
- (a) a person must hold a valid licence to carry on a business, and
 - (b) a person who carries on a business from more than one place in North Cowichan must hold a valid licence for each place from which the person carries on the business.
- (2) A person does not need to hold a licence to carry on a performance, concert, exhibition, entertainment, or concession, if its proceeds are donated to charity or it is carried on in a licensed place.
- (3) The following persons do not need to hold a licence to carry on a business if they carry on the business from a place outside North Cowichan:
- (a) a commercial traveller who sells goods to a merchant for resale;
 - (b) an owner or operator of a taxi that only discharges passengers;
 - (c) an owner or operator of a carrier other than a taxi, that only
 - (i) picks up passengers for discharge, or personal property for delivery, outside North Cowichan, or
 - (ii) discharges passengers, or delivers personal property, picked up outside North Cowichan;
 - (d) an owner or operator of a retail business that only
 - (i) delivers goods, sold by the owner or operator outside North Cowichan, or
 - (ii) picks up goods being returned or exchanged;
 - (e) a wholesaler, manufacturer, or processor, who sells their own goods and delivers them in their own vehicle to a merchant for resale.

Licence holder’s duties

- 3** A licence holder must
- (a) post the licence in a conspicuous place on the real or personal property respecting the licence, and

- (b) notify the Business Licence Inspector immediately if the licence holder's mailing address or business' name changes, and
- (c) comply with terms and conditions of the licence, if any. [BL3157, BL3949]

Applications

- 4** (1) To apply for a licence, a person must
- (a) apply in the form prescribed by the Business Licence Inspector, and
 - (b) pay North Cowichan a licence application fee as prescribed in the Fees Bylaw. [BL3470, BL3949]
- (2) To apply to transfer a licence to another place of business, a licence holder must
- (a) apply in the form prescribed by the Business Licence Inspector,
 - (b) pay North Cowichan a licence transfer application fee as prescribed in the Fees Bylaw, and
 - (c) obtain the Business Licence Inspector's approval to transfer the licence. [BL3470, BL3949]
- (3) To apply to renew a licence, other than for a business referred to in section 10 (a), a licence holder must, before the licence expires,
- (a) apply in the form prescribed by Business Licence Inspector, and
 - (b) pay North Cowichan a licence renewal application fee prescribed in the Fees Bylaw if the licence holder applies to renew the licence after February 28 of the year in which the licence expires. [BL3470, BL3949]
- (4) A licence for a business referred to in section 10 (a) is not renewable.

Restriction on transfer of licence

5 No licence may be transferred to another person or business.

Fees fully refundable in some circumstances

- 6** A licence application, transfer, or renewal fee is fully refundable if
- (a) the application is withdrawn in writing before the Business Licence Inspector grants, transfers, or renews a licence, or
 - (b) the Business Licence Inspector refuses to grant, transfer, or renew a licence. [BL:3949]

Criteria for licence grant, transfer, and renewal

7 If satisfied that the applicant meets the requirements of applicable North Cowichan bylaws and Provincial and Federal enactments, the Business Licence Inspector may grant, transfer, or renew a licence. [BL3658, BL3949]

Terms and conditions

- 7.1** The Business Licence Inspector may grant a licence imposing terms and conditions relating to the following:
- (a) requirements for preparation and submission of surveys, reports and audits;

- (b) the nature and volume of specified materials which may be kept within business premises;
- (c) protection of the environment;
- (d) establishment of funds for cleanup and remediation purposes;
- (e) public safety;
- (f) requirements for the posting of reasonable security to ensure compliance with terms and conditions of the licence. [BL3157, BL3949]

Mobile food service

- 7.2**
- (1) A person must not operate a mobile food service business within North Cowichan without a valid mobile food service licence for each food cart, food truck or food trailer in operation.
 - (2) A person must not operate a mobile food service without first providing the Business Licence Inspector with evidence of the following:
 - (a) approval from Island Health,
 - (b) approval from BC Safety Authority for equipment operated by propane in the vapour state,
 - (c) motor vehicle insurance for the mobile food service, as applicable,
 - (d) liability insurance coverage that
 - (i) includes an inclusive limit of at least \$2 million,
 - (ii) includes public liability, property damage, and cross liability clauses,
 - (ii) names North Cowichan as an additional insured, and
 - (iii) provides that coverage cannot be cancelled or changed without 30 days prior written notice to North Cowichan by the insurer, and
 - (e) a discharge management plan, approved by the Business Licence Inspector that describes how and where fats, oils and grease will be disposed of.
 - (3) A person must not sell goods other than food and beverages from a food cart, food truck, or food trailer.
 - (4) A person must not operate a mobile food service on property not zoned for that use.
 - (5) A person must not operate a mobile food service on private property, without first providing the Business Licence Inspector with a written letter of permission from the property owner to operate on that property.
 - (6) A person must not operate a mobile food service on a road, street, sidewalk, or public property, unless
 - (a) located in a designated location as shown in the Schedule attached to and forming part of this Bylaw, or
 - (b) a permit for temporary, non-exclusive use of municipal land has first been obtained from the Chief Administrative Officer.

- (7) All public property mobile food service parking locations designated in the Schedule attached to and forming part of this Bylaw are available on a first come, first serve basis to a person with a current mobile food service licence for public property.
- (8) Only one food truck or food trailer is permitted at a time at each public property mobile food service parking location designated in the Schedule. There is no limit to the number of food carts permitted to operate concurrently in the locations set out in the Schedule.
- (9) A person operating a mobile food service business must comply with the following requirements:
 - (a) ensure an independent power and water source is in place;
 - (b) if a generator is required, only operate a inverter generator, or a generator that does not exceed a noise level of 60 decibels;
 - (c) provide adequate waste and recycling receptacles for customers;
 - (d) remove all litter and garbage from within a 10 m radius of the mobile food service location;
 - (e) place sign boards against the food truck or trailer, and maintain clearance on all sides of the food cart, food truck, or food trailer to allow pedestrians or vehicles to safely pass by without restriction;
 - (f) solicit business at a level speaking voice with no shouting;
 - (g) not play music or use a voice amplifying device;
 - (h) not leave a food cart, food truck, or food trailer unattended;
 - (i) not store a food cart, food truck or food trailer on public property overnight.
- (10) A person must not operate a mobile food service business in a manner that
 - (a) restricts or interferes with the ingress or egress of an adjacent property owner, or
 - (b) obstructs access by emergency or Municipal service vehicles.
- (11) A person must not operate a mobile food service business
 - (a) on property owned by the Municipality before 7 a.m. or after 10 p.m.,
 - (b) on Municipal park property outside of park hours,
 - (c) within a distance of
 - (i) 30 m of an existing permanent food service establishment, unless written permission from the food service establishment owner has first been obtained,
 - (ii) 100 m of an elementary school, unless written permission from the school administrator has first been obtained,
 - (iii) 150 m of an approved special event, unless written permission from the event coordinator has first been obtained.

- (12) A mobile food service licence is not available as an intermunicipal business licence. [BL3658, BL3949]

Food cart

- 7.3** (1) A food cart in operation must be hand or foot propelled.
- (2) A food cart may be delivered and picked up from the mobile food service location by vehicle. [BL3658]

Size

- 7.4** (1) A food truck or food trailer must be no greater than:
- (a) 2.5 m in width, and
 - (b) 8 m in length.
- (2) A food cart must have a maximum area of no greater than 4.65 m². [BL3658]

Reconsideration of Business Licence Inspector's decision

8 [Deleted BL3962]

Licence suspension and cancellation

- 9** (1) The Business Licence Inspector may post a notice of suspension or cancellation on the real or personal property respecting which Council suspends or cancels a licence.
- (1) If Council suspends a licence, no person may remove a notice of suspension posted by the Business Licence Inspector until
- (a) after the period of suspension, or
 - (b) the licence holder no longer occupies the real property or possesses the personal property respecting which Council suspends the licence.
- (2) If Council cancels a licence, no person may remove a notice of cancellation posted by the Business Licence Inspector until
- (a) the licence holder no longer occupies the real property or possesses the personal property respecting which Council cancels the licence, or
 - (b) the Business Licence Inspector grants a new licence to carry on a different business from the real property or using the personal property respecting which Council cancels the licence. [BL3949]

Licence expiry

- 10** A licence expires as follows:
- (a) for an itinerant show or entertainment, after one year, or after one day if the itinerant show or entertainment is not held in a licensed place;
 - (b) for every other business, after December 31 of the licence year. [BL3197]

Business Licence Inspector

- 11** The Business Licence Inspector may at reasonable times and in a reasonable manner enter real property to determine compliance with this Bylaw. [BL3567, BL3949]

Prosecutions

12 A person who violates a provision of this Bylaw is guilty of an offence and liable on conviction to a fine not exceeding \$200 plus the cost of prosecution.

Repeal

13 [Repealed; BL3567]

Read a first, second and third time on August 14, 2002
Adopted on September 4, 2002

Schedule [BL3658]

Public Property Mobile Food Service Parking Locations

Map 1 – Kin Beach Park

Map 2 - Fuller Lake Park

Map 3 – Chemainus Lake Park

Map 4 – Beverly Street Dog Park

Map 5 – Art Mann Park

Map 6 – Maple Mountain Municipal Forest Reserve



SCHEDULE
Map 1
Kin Beach Park



SCHEDULE
Map 2
Fuller Lake Park



Fuller Lake



**Mobile Food
Service Parking
Location**

Trans-Canada
Highway

2016 Air Photo

SCHEDULE
Map 2
Fuller Lake Park



Fuller Lake



**Mobile Food
Service Parking
Location**

Trans-Canada
Highway

2016 Air Photo





SCHEDULE
Map 4
Beverly Street Dog Park

**Mobile Food
Service Parking
Location**



Beverly Street

Road

Lakes

2016 Air Photo

SCHEDULE
Map 5
Art Mann Park



Quamichan Lake

**Mobile Food
Service Parking
Location**

Indian Road

2016 Air Photo

SCHEDULE
Map 6
Maple Mountain
Municipal Forest
Reserve



2016 Air Photo