

# Corporate Report

NO: R035

COUNCIL DATE: March 3, 2003



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## REGULAR

TO: **Mayor &  
Council**                      DATE: **February 26,  
2003**

FROM: **City Solicitor**                      FILE: **3900-20-13680**

SUBJECT: **Business License By-law, 1999, No. 13680**

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## RECOMMENDATION

That Council adopt the proposed amendments to Business License By law, 1999, No. 13680 (the "Business License By law") attached as Appendix "A" to this report.

## INTENT

The proposed amendments to the Business License By law will address the following:

1. changes to the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267 and regulations that occurred on December 2, 2002;
2. reducing business license fees for part time medical practitioners;
3. deletion of the required exemptions for non resident businesses from the *Local Government Act*, R.S.B.C. 1996, c. 323 (the "*Local Government Act*"); and
4. amendments to provisions dealing with hotels and motels.

## DISCUSSION

### Licensed Establishments

On December 2, 2002, the Provincial Government changed the classes of liquor licenses from seven (7) to two (2). The two classes of liquor licenses are now "food primary" (i.e. restaurants) and "liquor primary" (pubs and bars). All existing liquor licenses were converted by the Liquor Licensing & Control Branch to the appropriate new class. Our Business License By law currently lists eight (8) separate licenses by category. In order to reflect these changes to the Provincial legislation, we are recommending changes to the definitions and categories in the Business License By law. All existing business licenses will be updated to the new categories and all future applications will be categorized appropriately. None of the business license fee amounts are altered.

### Part Time Medical Practitioners

In the past year a number of issues have arisen with respect to licensing medical practitioners at "Walk in Clinics". The majority of these clinics are staffed with medical practitioners from within the City, and therefore their current business licenses adequately cover their part time adhoc sessions in these clinics. However, some of these medical practitioners are from outside the City and therefore require a Surrey business license. The business license fee of \$298.00 currently paid by full time practitioners is excessive when you apply it to a medical practitioner working less than 60 days a year (1 - 5 days per month) at these clinics. Therefore, we propose a separate category with a fee of \$100.00 per year so as to not penalize the medical practitioner that holds a current business license in another city while working in the City occasionally during the year.

## Non Resident Exemption

The existing exemption for certain types of non resident businesses were required by provisions in the *Local Government Act* that have since been repealed. The City now has the ability to license all of those businesses operating in the City, while being physically located in another city (e.g. the courier services delivering packages from one location in the City to another, and their main office physically located in Vancouver or Coquitlam).

## Hotels and Motels

On September 4, 2002, Council approved in principle the recommendation of the Tourism Advisory Committee to amend the Business License By law to allow proprietors of hotels and motels to request picture identification of guests upon registration.

### CONCLUSION

It is recommended that Council approve these amendments to the Business License By law.

CRAIG MacFARLANE  
City Solicitor

JS/ln

c.c. John Sherstone - Manager, By-laws & Licensing Services

Encl. - Appendix "A"

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### CITY OF SURREY

### BY LAW NO. 14832

A by law to amend the provisions of "Business License By law, 1999, No. 13680" as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Business License By law, 1999, No. 13680" as amended, is hereby further amended as follows:

(a) Section 2 - Interpretation is hereby amended as follows:

1. The following definitions be deleted in their entirety:

Cabaret

Class "A" Pub

Dining Lounge

Dining Room

Lounge

Marine Public House

Neighbourhood Pub

Non resident Business

Resident Business

Stadium Class "E" Liquor License

2. The following new definitions be inserted immediately following the definition of "Licensed Establishment":

"Licensed Premise (Food Primary)" means a licensed establishment holding a food primary license.

"Licensed Premise (Food Primary with Lounge Endorsement)" means a licensed establishment holding a food primary license with a lounge endorsement.

"Licensed Premise (Liquor Primary)" means a licensed establishment holding a liquor primary license.

"Licensed Premise (Liquor Primary Club)" means a licensed establishment holding a liquor primary club license.

"Licensed Premise (Liquor Primary – Cabaret)" means a licensed establishment holding a liquor primary license primarily engaged in providing cabaret entertainment to its patrons.

"Licensed Premise (Liquor Primary – Stadium)" means a licensed establishment holding a liquor primary license operating as a convention centre, sports stadium or concert hall.

3. The existing definition of "Licensee Retail Store" be replaced with the following new definition:

"Licensee Retail Store" means a licensed establishment holding a licensee retail store license.

4. The following new definition be inserted immediately following the existing definition of "Parking Lot":

"Part Time Medical Practitioner" means a chiropractor, dentist, doctor, optometrist, psychiatrist, psychologist or veterinarian who practices at a clinic in the City less than 60 days in any calendar year and who holds a valid and subsisting business license to practice in another municipality.

(b) Schedule "A" is hereby amended as follows:

1. By deleting the following categories and fees:

Liquor License - Class "A" Pub  
Liquor License - Class "B" - Dining Lounge  
Liquor License - Class "B" - Dining Room  
Liquor License - Class "C" - Cabaret  
Liquor License - Class "D" - Neighbourhood Pub  
Liquor License - Class "E" - Stadium  
Liquor License - Class "F" - Marine Public House  
Liquor License - Class "G" - License Retail Store

2. By adding the following new categories and fees immediately following the existing category "Laundromat":

Licensed Premises (Food Primary)	\$250.00 per year
Licensed Premises (Food Primary with Lounge Endorsement)	\$500.00 per year
Licensed Premises (Liquor Primary Club)	\$1,500.00 per year
Licensed Premises (Liquor Primary)	\$1,500.00 per year
Licensed Premises (Liquor Primary – Cabaret)	\$3,000.00 per year
Licensed Premises (Liquor Primary – Stadium)	\$3,000.00 per year
Licensee Retail Store	\$500.00 per year

3. By adding a new category and fee immediately following the existing category "Professional Practitioner - Optometrist" as follows:

Professional Practitioner – Part Time

Medical Practitioner

\$100.00 per year

4. The title of the category "U brew Premises" be amended to read "U brew/U vin Premises".

(c) Delete Section 45 and its heading in their entirety and renumber existing Section 45.1 to Section 45.

(d) Delete Section 54.1 and its heading in their entirety.

(e) Section 7 and its heading be deleted in their entirety and replaced with the following new Section 7 with no heading:

7. A business license is required for every business carried on in the City or with respect to which any work or service is performed in the City whether or not the business is carried on in or from premises in the City.

(f) Section 49(4) - Hotels and Rooming Houses be amended by adding the following sentence at the end of the paragraph:

Picture Identification may be requested by the proprietor of any hotel.

2. This By law shall be cited for all purposes as "Business License By-law, 1999, No. 13680, Amendment By law, 2003, No. 14832".

PASSED THREE READINGS on the \_\_\_\_ day of \_\_\_\_\_, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_MAYOR

\_\_\_\_\_CLERK