



<u>COUNCIL AGENDA/INFORMATION</u>		
<input type="checkbox"/> Closed	Date: _____	Item # _____
<input checked="" type="checkbox"/> Reg. Council	Date: <u>Dec. 6, 2010</u>	Item # <u>9</u>
<input type="checkbox"/> Supplemental	Date: _____	Item # _____

	
Director	CAO

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DISTRICT OF WEST VANCOUVER  
750 – 17<sup>TH</sup> STREET, WEST VANCOUVER, BC V7V 3T3

## COUNCIL REPORT

Date: November 22, 2010 File: 1605-08/16-20-4656  
 From: Bob Sokol, Director of Planning, Lands & Permits  
 Subject: **Proposed Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4656, 2010 regarding the Sale of Rabbits in Retail Stores, Pro-Ration of Secondary Suite and Special Event Business Licence Fees and Deletion of Temporary Accommodation Provisions**

### RECOMMENDED THAT:

1. Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4656, 2010 be introduced and read a first, second and third time.
2. Notice be given of Council's intention to consider proposed Business Licence Bylaw No. 4455, 2005, Amendment Bylaw No. 4656, 2010, pursuant to the Community Charter, section 59.

### Purpose

The purpose of this report is to present Council with the proposed Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4656, (Appendix 1) to amend three separate sections of the current Business Licence Bylaw. While the issues raised in this report are separate and distinct, they are encompassed in this one report since they all pertain to the Business Licence Bylaw.

Earlier this year, Council was petitioned by the Rabbit Advocacy Group of BC to follow the example of other local government jurisdictions and prohibit the sale of rabbits in pet stores. In addition, a housekeeping amendment to the Bylaw is required to formally establish the administrative practice of not-pro-rating the business licence fees for the Secondary Suites and Special Event category types in the same manner as other categories. The third proposed amendment is to delete all reference to the Temporary Accommodation provisions established for the 2010 Winter Games. All three of these amendments are captured in the proposed amendment Bylaw.

## **1.0 Background**

### 1.1 Prior Resolutions

On July 20, 2009 Council approved Business Licence Bylaw No 4405, 2005 Amendment Bylaw No. 4611 and other associated resolutions which established the District's Temporary Residential Accommodation Program for the 2010 Winter Games.

## **2.0 Policy**

### 2.1 Bylaw

Business Licence Bylaw No. 4455, 2005.

## **3.0 Balanced Scorecard**

The subject matter of this Council report is not specifically addressed in the Balanced Scorecard.

## **4.0 Analysis**

### 4.1. Discussion

There are three separate issues being addressed in the proposed amendment to Business Licence Bylaw No. 4455, 2005. While the issues raised in this report are separate and distinct, they are encompassed in this one report since they all pertain to the Business Licence Bylaw. These issues are as follows:

#### 1. Prohibition on Retail Sale of Rabbits in Pet Stores

There is currently only one retail pet store in West Vancouver selling rabbits. Council has been asked to consider following the lead of communities such as Richmond, Kelowna and Victoria in prohibiting the sale of unsterilized rabbits in pet stores. Staff have reviewed this request and discussed the issue with staff representatives from the SPCA and licensing departments in other local government jurisdictions. The SPCA is concerned about the sale of pets due to the conditions in which the animals are kept and cared for as well as the typical conditions of sale which state that there is no returning of the animals if they become ill or are unsuitable. In either situation, they frequently become a significant burden for the SPCA, which already suffers from overcrowding issues. Over a number of years, communities such as the Victoria, Richmond and Kelowna have experienced extensive nuisance, property damage and animal welfare problems as a result of large numbers of domestic rabbits let loose on public land. Staff have confirmed that Victoria, Kelowna, Richmond and the

District of North Vancouver all either prohibit retail sales of rabbits altogether or require them to be sterilized prior to being sold. Staff reviewed two options: (1) to prohibit the sale of rabbits altogether; or (2) to require retailers to ensure they only sell sterilized rabbits. **Staff's recommendation is to amend the Bylaw to prohibit the sale of rabbits in the District as the costs and administrative difficulties of enforcing a ban on unsterilized rabbits are much higher than an outright ban.**

2. Treat Secondary Suites and Special Events differently than other categories for the Pro-ration of Licence Fees

Business Licence Bylaw No. 4455, 2005 sets out licence fees that are valid for the calendar year. Businesses are categorized by business type and different fees are assessed. Depending upon the category, fees may be based upon the number of employees involved in the business; the amount of square footage they occupy; the number of days they operate; the number of machines operated; the number of rooms rented; or a simple flat fee. Regardless of how the fee is calculated, licence fees are due and payable on January 1<sup>st</sup> of every year and expire on December 31<sup>st</sup> of each year. Section 5.2.2 of the Bylaw has a provision that the licence fee can be reduced by one-half for a business that comes into existence after July 31<sup>st</sup> in any year, except those licence fees that are calculated on a daily basis.

There are currently two categories of business, due to the nature of the business, for which staff do not provide the pro-rated licence fee, even though the licence is not specifically a "per day" licence fee. These two categories are Special Events and Secondary Suites.

*Special Events* - The Special Events category covers activities such as Norouz Festival, Lilith Fair, non-resident vendors at Harmony Arts, Film Companies and other similar activities. These activities tend to be one day events or time limited in duration and yet use significant staff resources to accommodate and monitor, regardless of what time of the year they take place. The current annual licence fee is \$135.00. A 50% reduction in licence fees would mean a significant subsidy to businesses in this category considering the required staff resources necessary to assist in the processing and monitoring of these businesses while in our community. For these reasons, **staff have not been reducing the licence fees by 50% and are recommending the Bylaw be specifically amended to reflect this practice.**

*Secondary Suites* - Secondary Suites require a significant commitment of staff resources for the initial review and approval of a new or existing suite. The resources to do this work are the same regardless of when the application is filed. The fee, however, also covers the annual licensing costs for the first year. **Staff therefore recommends that the Secondary Suite category also be excluded from 50% pro-ration set out in Section 5.2.2 of the Bylaw, but that the fee be reduced \$100.00 (to \$300) after July 31 to reflect the fact that the suite will only be in operation for part of the year.**

### 3. Temporary Accommodations – 2010 Winter Games

In July 2009, Council adopted amendments to the Business Licence Bylaw to specifically provide for Temporary Accommodations in single and two family dwellings to assist in what was believed to be a significant shortage in housing during the Winter Games. These provisions were specifically for the “Games Period” which is defined in the Bylaw as January 1, 2010 to March 31, 2010. Since the provisions are no longer relevant, it is appropriate to delete these provisions from the Bylaw. The District has now provided the opportunity under the Zoning Bylaw for Secondary Suites that includes, on a permanent basis, many of the attributes of the “Temporary Accommodation” provisions (as a point of information, three of our current Secondary Suite Licence holders previously held Temporary Accommodation Licences). **Staff therefore recommends that all provisions relating to Temporary Accommodation in the Bylaw be deleted.**

#### 4.2. Communications Process

In accordance with Section 59 of the Community Charter this Bylaw requires public notification which is effected by a Notice being placed in two consecutive issues of our local newspaper.

### 5.0 Options

- 5.1. To approve the recommendations contained in this report.
- 5.2. To not approve the recommendations contained in this report and provide staff with further direction.

Appendix 1: Business Licence Bylaw No. 4405, 2005, Amendment Bylaw No. 4656, 2010

District of West Vancouver

## **Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4656, 2010**

A bylaw to provide for the granting of business licences, to fix and impose licence fees and to regulate certain business in the District of West Vancouver.

Previous amendments: Amendment Bylaws 4596, 4611

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for business licences and to regulate the operation of businesses in the District ;

AND WHEREAS the Council of The Corporation of the District of West Vancouver wishes to protect the public and prevent or minimize nuisance and misleading business practices in the District;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

### **Part 1 Citation**

- 1.1 This bylaw may be cited as Business Licence Bylaw No. 4455, 2005 Amendment Bylaw No. 4656, 2010.

### **Part 2 Severability**

- 2.1 If a 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 section, subsequent, paragraph, subparagraph, clause or phrase.

## Part 3 Amendment

- 3.1 Business Licence Bylaw No. 4455, 2005 is to be amended by :
- 3.1.1 Deleting subsection 5.2.1(a) in its entirety
  - 3.1.2 Adding to the end of the sentence in subsection 5.2.2 the following words: "and the categories for Secondary Suites and Special Events. The business licence fee for the category Secondary Suites shall be reduced by \$100.00 after July 31 in any year."
  - 3.1.3 Deleting in Part 4 Definitions, the following definitions in their entirety: "Games Period"; "Temporary Accommodation"; Temporary Bedroom Accommodation"; "Temporary Dwelling Unit"; and "Temporary Dwelling Unit Accommodation"
  - 3.1.4 Adding in Part 4 Definitions, the following definition:  
  
"Secondary Suite" means a Dwelling Unit accessory to a single family or two family dwelling use."
  - 3.1.5 Deleting in Part 7 Specific Regulations, section 7.7 in its entirety and replacing it with the following:  
  
7.7 Prohibition of Animal Sales  
  
7.7.1 No person carrying on the business of retail or wholesale sales of animals, including but not limited to domesticated animals, fish, birds, and reptiles, shall allow any rabbit to be sold or offered for sale.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

NOTICE OF INTENT PUBLISHED on [Date]  
(Pursuant to *Community Charter* section 59)

ADOPTED by the Council on [Date].

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Mayor

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Municipal Clerk

Document # 413206v1