



# THE DISTRICT OF NORTH VANCOUVER

## CHILDCARE FACILITIES BUSINESS REGULATION BYLAW

### BYLAW 6724

Effective Date – October 10, 1995

#### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

#### Original Bylaw

Bylaw 6724

#### Date of Adoption

October 10, 1995

#### Amending Bylaw

Bylaw 7624

#### Date of Adoption

November 20, 2006

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Childcare Facilities Business Regulation Bylaw – Bylaw 6724). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

# THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

## BYLAW 6724

A bylaw to regulate the carrying on of child care businesses in the District of North Vancouver for the purpose of protecting the public and preventing or minimizing nuisances and misleading business practices pursuant to section 526 of the *Municipal Act* R.S.B.C. 1979, c 290.

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The Council for The Corporation of The District of North Vancouver enacts the following:

### PART 1 – INTRODUCTION

**1. Title**

This bylaw may be cited as "**CHILD CARE FACILITIES BUSINESS REGULATION BYLAW**".

**2. Interpretation**

In this bylaw,

**child care facility** means any premises used for group day care, family day care, kindergarten, preschool, out of school care, or child minding;

**sole proprietor** means a person who operates a child care facility which is not incorporated under the *Company Act*, or the *Society Act* and who has sole ownership of the business.

**3. Business Licence Required**

The operator of a *child care facility* which provides care for more than 2 children unrelated to the caregiver requires a business licence.

**7624**

**4. Regulations**

The operator of a *child care facility* shall comply with the provisions of the Business Licence Bylaw (Bylaw 4567) and in addition, where a *child care facility* is located in a residential building, the following regulations apply:

- (a) Where the operator of a *child care facility* located in a single-family residential building is a *sole proprietor*, that person must be a resident of the building where the *child care facility* is located.
- (b) Where the operator of a *child care facility* located in a single-family residential building is incorporated under the *Company Act*, the majority of the voting shares of such corporation must be beneficially owned by a person who is a resident of the building where the *child care facility* is located.
- (c) Where the operator of a *child care facility* located in a single-family residential building is a society incorporated under the *Society Act* at least one child care facility staff member must be a resident of the building where the *child care facility* is located.
- (d) The operator of a *child care facility* located in a multiple-family residential building need not be a resident of the building where the *child care facility* is located.

- (e) Not more than 6 persons including the operator shall be engaged in the business in the building at any one time.
- (f) Not more than 20 children may be in care at one time, except that Council may approve a license for more than 20 children where the operator has been able to demonstrate that the impact of the proposed child care on the neighbourhood (including noise levels, traffic and parking) will be minimal.

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## 5. Approval by Licence Inspector

Subject to section 6(b) and (c), a business licence for a *child care facility* with 3 to 10 children in care at any one time in a residential building may be issued by the Licence Inspector provided that the applicant has complied with all applicable District bylaws and Provincial regulations, except that an application for more than 8 children shall be referred to Council for approval if, in the opinion of the Licence Inspector, the *child care facility* may adversely impact on the residents of the neighbourhood.

The License inspector may deny a business license to a child care facility that is deemed to be in an area that could be dangerous to the health and safety of children present in that facility, upon the advice of the Chief Medical Health Officer.

7624

## 6. Public Meeting/Hearing

A business licence application for a child care facility

- (a) with 11 or more children in care at any one time in a residential building.
- (b) with more than one group of children in care during any one day in a residential building where the total number of children in care during the same day exceeds 10; or
- (c) in a multi-family residential building where the operator is not a resident of the building,

shall be referred to Council for approval, in which case, for applications for 11 to 20 children, a public meeting shall be held and for applications for more than 20 children, a public hearing shall be held, for the purpose of allowing the public to make representations to Council on matters respecting the application.

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## 7. Public Meeting for Licence Renewal

Council may order a public meeting prior to the annual renewal of a *child care facility* business licence where

- (a) a written objection, endorsed by two or more owners or occupiers of properties located within 50 metres or on the same cul-de-sac as the child care facility, is submitted to Council stating the nature of the objection; and

- (b) the stated objections could not be resolved informally by District staff to the satisfaction of the objecting property owners or occupiers.

## 8. Notice of Public Meetings

Where a public meeting is to be held, notice of the meeting shall be given in accordance with the following:

- (a) The notice shall state
  - (i) the time, date and place of the public meeting;
  - (ii) the address of the proposed *child care facility*; and
  - (iii) the purpose of the public meeting.
- (b) Notices shall be mailed or otherwise delivered at least ten days before the public meeting
  - (i) to the operator of the child care business;
  - (ii) to all owners and occupiers of property located within 50 metres of the proposed *child care facility* and also, where the child care facility is to be located in a cul-de-sac, to all owners and occupiers of property in the cul-de-sac;
  - (iii) to the registered offices of a company and, if identified, to any prospective owners of property under development by the company whose property is located within 50 metres of, or is on the same cul-de-sac as the proposed child care facility.

## 9. Council may Approve or Refuse a Licence

After a public meeting/hearing, and in accordance with section 60 of the Community Charter, Council may

- (a) approve an application for a business licence or the renewal of an existing business licence, or;
- (b) on the affirmative vote, refuse to grant a business licence or the renewal of an existing licence.

7624

## 10. Fees

A single business licence fee as set out in the Business Licence Bylaw shall be charged for all *child care facilities* regardless of the number of children in care or the number of persons engaged in the business.

If the child care facility is operated by a registered non-profit society, there will be no charge for the business license.

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## 11. Notice of Changes

The operator of a *Child Care Facility* who is the holder of a valid and subsisting business licence shall immediately inform the Licence Inspector of any change in

- (a) the residence of the *sole proprietor*, staff member or majority shareholder of the operator as applicable in accordance with section 4 (a) – (c);
- (b) the address of the *child care facility*;
- (c) the ownership of the business;
- (d) the identity of the majority shareholder where the operator is incorporated under the *Company Act*;
- (e) the number of children in care; or
- (f) the number of groups of children in care.

## 12. Enforcement

The Licence Inspector may enter at all reasonable times on any property to ascertain whether the requirements of this bylaw are being met.

## 13. Offence

Every person, corporation or society who operates a *child care facility*

- (a) without a valid and subsisting business licence for the current year; or
- (b) in contravention of any provision of this bylaw,

commits an offence and is liable, on conviction, to a fine of not less than \$100.00, and, where the offence is of a continuing nature, each day that the offence continues shall constitute a separate offence.

Amended by: 7624