

**BUSINESS RECOVERY FROM PANDEMIC BYLAW AMENDMENT BYLAW (NO. 1)**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Business Recovery from Pandemic Bylaw to extend the duration of that bylaw in light of continuing public health advisories regarding physical distancing and other changes impacting business operations, to provide for extension of permits issued under that bylaw, and to better address issues related to erection of weather protection for the temporary outdoor commercial use on City street, in parks, and on private property.

Under its statutory powers, including sections 8(3), 35(11), 36, 38, and 154(1) of the *Community Charter* and sections 488-491 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This bylaw may be cited as the “Business Recovery from Pandemic Bylaw Amendment Bylaw (No. 1)”.

**Amendment**

- 2 The Business Recovery from Pandemic Bylaw No. 20-072 is amended
  - (a) in section 3(1), by renumbering paragraphs (a) through (g) as paragraphs (b) through (h) and inserting a new paragraph (a) as follows:

“(a) Building and Plumbing Regulation Bylaw,”
  - (b) in section 4(3), by deleting the period at the end of paragraph (c) and adding the following as a continuation of subsection (3):

“and may require an applicant for a permit to provide confirmation, in a form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street and all structures and objects to be placed on the street under the proposed permit would be safe and suitable for their intended use as described in the application for the permit.”
  - (c) in section 4(6)(d), by deleting “2” and replacing it with “5”,
  - (d) by adding the following as the new subsections (9) through (11) in section 4:
    - “(9) The Director of Engineering may, at any time, extend the duration of a permit issued under subsection (3) and, subject to subsection (10), such extended permit shall continue to be valid on the terms and conditions as originally issued.
    - (10) The Director of Engineering may, as a condition of issuing a permit under subsection (3) or extension of a permit under subsection (9), require that the permit holder
      - (a) within a time provided in the permit or extension, make the necessary additions or alterations to ensure that the portion of the street that is

subject to the permit and all the structures or objects placed on a street pursuant to the permit to are fully accessible to all persons, and

- (b) provide confirmation, in the form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street that is subject to the permit and all structures or objects placed on a street pursuant to the permit are safe and suitable for their intended use as authorized under the permit.
- (11) Unless a permit holder, within 14 days of receiving a request from the Director of Engineering, provides confirmation, in a form acceptable to the Director of Engineering, from an appropriate professional that the portion of the street that is subject to the permit and all structures or objects placed on a street pursuant to the permit are safe and suitable for their intended use as authorized under the permit, the permit is deemed to be cancelled and of no force and effect.’
- (e) in section 5(2), by deleting the period at the end of paragraph (d) and adding the following as a continuation of subsection (2):
 

“and may require an applicant for a permit to provide confirmation, in a form acceptable to the Director of Parks, from an appropriate professional that the portion of the park and all structures and objects to be placed in the park under the proposed permit would be safe and suitable for their intended use as described in the application for the permit.”,
  - (f) in section 5(5)(d), by deleting “2” and replacing it with “5”,
  - (g) by adding the following as the new subsections (8) through (10) in section 5:
    - “(8) The Director of Parks may, at any time, extend the duration of a permit issued under subsection (2) and, subject to subsection (9), such extended permit shall continue to be valid on the terms and conditions as originally issued.
    - (9) The Director of Parks may, as a condition of issuing a permit under subsection (2) or extension of a permit under subsection (8), require that the permit holder
      - (a) within a time provided in the permit or extension, make the necessary additions or alterations to ensure that the portion of the park that is subject to the permit and all the structures or objects placed in a park pursuant to the permit to are fully accessible to all persons, and
      - (b) provide confirmation, in the form acceptable to the Director of Parks, from an appropriate professional that the portion of the park that is subject to the permit and all structures or objects placed in a park pursuant to the permit are safe and suitable for their intended use as authorized under the permit.
    - (10) Unless a permit holder, within 14 days of receiving a request from the Director of Parks, provides confirmation, in a form acceptable to the Director of Parks, from an appropriate professional that the portion of the

park that is subject to the permit and all structures or objects placed in a park pursuant to the permit are safe and suitable for their intended use as authorized under the permit, the permit is deemed to be cancelled and of no force and effect.”,

(h) in section 8(3) by deleting “six months” and replacing it with “such time as the Director of Planning considers appropriate in the circumstances”,

(i) by adding the following new subsection (4) in section 8:

“(4) The Director of Planning may, at any time, extend the time in the undertaking provided under subsection (3) if

(a) the date in section 13(2) is amended, and

(b) the holder of the permit and the property owner provide a replacement irrevocable undertaking as required under subsection (3) with a new date acceptable to the Director of Planning.”, and

(j) in section 13(2), by deleting “October 31, 2020” and replacing it with “October 31, 2021”.

**Commencement**

3 This bylaw comes into force on adoption.

READ A FIRST TIME the 8<sup>th</sup> day of **October** 2020

READ A SECOND TIME the 8<sup>th</sup> day of **October** 2020

READ A THIRD TIME the 8<sup>th</sup> day of **October** 2020

ADOPTED on the day of 2020

CITY CLERK

MAYOR