



## Report to Council

**To:** Mayor and Council File No: 4325-07  
**Date:** February 24, 2025  
**From:** Roy Nuriel, General Manager, City Planning  
Matt Faucher, Acting Manager, Long Range Planning & Sustainability  
**Subject:** Review of Business Licence Bylaw 6100

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### **Purpose:**

To provide Council with a draft of Business Licence Bylaw 6100 for review, which includes short-term rental licensing program and to request direction to seek public comment on the proposed draft bylaw.

### **Recommendation:**

THAT in accordance with the notice requirements in section 59(2) of the *Community Charter*, Council directs Administration to post the draft Business Licence Bylaw 6100 on the Engage Vernon website to solicit public comment, and forward to the Economic Development Advisory Committee, Downtown Vernon Association, and Greater Vernon Chamber of Commerce for review;

AND FURTHER, that Council authorize the establishment of a permanent full-time Coordinator, Short-Term Rental Licensing & Administration position at an annual cost of up to \$108,000 to be funded from the Development Excess Revenue Reserve;

AND FURTHER, that Council grant early budget approval for a Coordinator, Short-Term Rental Licensing & Administration position in the 2026 Building and Licensing budget at an annual cost of \$108,000.

### **Background:**

#### a. Rationale:

1. Considering recent Provincial legislative changes regarding [Short-Term Rentals \(STRs\)](#), Administration has completed a review of Business Licence Bylaw 5480, 2014, to determine the suitability of including new licence classifications for STRs. The Province has limited STRs to a person's principal residence plus a secondary suite or accessory dwelling unit, unless the unit is part of a strata hotel or motel. Additionally, a business licence number (if required by the local jurisdiction) must be included in the rental listing.
2. As of May 1, 2025, all short-term rental hosts, platforms, and strata hotel platforms operating in B.C. must be [registered with the provincial short-term rental registry](#). This ensures that all hosts and platforms operating in B.C. are following the provincial rules. STR hosts are required to register with the Province prior to May 1 and must display

their Provincial registration number on their listing. In order to register with the Province, hosts operating within the City must provide proof that an application for a business licence has been submitted to the City. Hosts will then have until August 1, 2025, to submit their issued business licence to the Province, or their registration will be cancelled.

3. Business Licence Bylaw 5480 was established in 2014. Challenges have been noted in administration of the licencing program as the current structure creates opportunities for misinterpretation and lacks clarity. Additionally, the current bylaw contains dated licence classifications (e.g., Horse Drawn Carriage) and regulations. To date, five minor amendments have been completed for rental of housing units, cannabis retail, and outdoor commercial uses.
4. Administration has prepared draft Business Licence Bylaw 6100 to modernize the City's business licencing program, address some of the challenges identified, and incorporate licence classifications for STRs in alignment with the launch of the [Provincial STR Registry](#) in spring 2025.
5. Key updates have been made in the draft bylaw as follows:
  - Updated definitions, removing unnecessary items and adjusting to current standards.
  - Added exemptions to licensing requirements to support and encourage arts, culture and local agriculture, while maintaining insurance requirements.
  - Clarifying the establishment of license conditions and improving transparency.
  - Clarifying processes for license management, including application, fees, renewals, and cancellations.
  - Clarifying processes and penalties for license refusal or suspension.
  - Updating and clarifying provisions for specific license classifications.
  - Establishing classifications for STRs and watercraft business operations.
6. As the draft bylaw regulates business operations and licensing within the City, Administration is requesting Council's direction to seek public input on the draft bylaw in advance of Council's consideration to allow time for adjustments to be made, if necessary. Additionally, Administration would forward the draft bylaw to the Greater Vernon Chamber of Commerce and the Downtown Vernon Association for review and comment.
7. Once feedback has been received from the public and interested parties, Administration will complete a final review of the draft bylaw and present to Council for consideration. Should the bylaw proceed, Administration would prepare amendments to Fees and Charges Bylaw 3909, Bylaw Notice Enforcement Bylaw 5250, Municipal Ticket Information Bylaw 5300, as well as Inter-Community (Mobile) Business Licence Bylaw 5117, to bring them into alignment with Business Licence Bylaw 6100.
8. With the anticipated introduction of the City's new STR licensing program in 2025, the number of business license applications and renewals is expected to increase significantly, with estimates ranging between 175 and 250 annually. Currently, the

Building and Licensing Department's Counter Clerks (2.5 FTE) are strained to provide the existing business licensing services, as they are primarily occupied with receiving and processing various land use and building permit applications within the Planning and Community Services Division.

To address these challenges and improve service delivery to the business community, Administration requests a new full-time position dedicated to business licensing. The proposed role will be critical in managing the STR program. It would involve coordinating STR and business license applications to ensure timely processing and regulatory compliance and enforcement and overseeing front counter clerical staff to enhance customer service and operational efficiency. The cost of this position would be offset by revenue generated from the new STR licensing program.

b. Relevant Policy/Bylaw/Resolutions/Legislative Authority:

1. Business Licence Bylaw 5480
2. Fees and Charges Bylaw 3909
3. Bylaw Notice Enforcement Bylaw 5250
4. Municipal Ticket Information Bylaw 5300
5. Inter-Community (Mobile) Business Licence Bylaw 5117

c. Council's Strategic Plan Alignment:

- |                                                                            |                                              |
|----------------------------------------------------------------------------|----------------------------------------------|
| <input checked="" type="checkbox"/> Governance & Organizational Excellence | <input type="checkbox"/> Livability          |
| <input type="checkbox"/> Recreation, Parks & Natural Areas                 | <input checked="" type="checkbox"/> Vibrancy |
| <input type="checkbox"/> Environmental Leadership                          | <input type="checkbox"/> Not Applicable      |

d. Committee Recommendations:

n/a

**Financial Implications:**

A conservative estimate of 175 short-term rental annual licenses at approximately \$500 per business license would generate \$87,500. At 250 short-term rental annual licenses, the program would generate \$125,000. This is on-top of all business licenses for all commercial businesses in the City that generate approximately \$500,000 each year. Any enforcement and compliance revenue would be in addition.

The annual cost of the Coordinator, Licensing & Administration position is estimated at \$108,000 (fully loaded). This cost would primarily be funded by STR licensing revenue. Since the anticipated revenue from the STR licensing will be received throughout the year, Administration recommends establishing the position using funds from the Development Excess Revenue Reserve, which has an estimated available balance of \$1,078,801.

**Alternatives & Implications:**

THAT Council receive for information the report titled "Review of Business Licence Bylaw 6100" dated February 13, 2025.

*Note: This would result in no changes to the Business Licence Bylaw and would delay the creation of short-term rentals licensing in Vernon.*

**Communication:**

Draft Business Licence Bylaw 6100 will be posted on the Engage Vernon website to solicit public comment and will be forwarded to the Economic Development Advisory Committee, Downtown Vernon Association and Greater Vernon Chamber of Commerce for review.

**Attachments:**

Attachment 1 – Draft Business Licence Bylaw 6100, 2025

Reviewed by: Terry Barton, Director, Planning and Community Services

Reviewed by: Kevin Poole, Director, Corporate Administration

Approved by: Peter Weeber, Chief Administrative Officer

THE CORPORATION OF THE CITY OF VERNON

BYLAW 6100

A Bylaw to regulate the licencing of businesses within the boundaries  
of the City of Vernon.

WHEREAS pursuant to section 8(6) of the *Community Charter*, the City may regulate in relation to business;

AND WHEREAS, when regulating business, Council may, pursuant to section 15(1) of the *Community Charter*, provide for a system of licences, permits, or approvals;

AND WHEREAS Council may, pursuant to section 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the City, which delegation may under section 60(4) of the *Community Charter* include the authority to suspend or cancel a business licence;

AND WHEREAS Council has given notice of its intention to adopt this Bylaw and provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council pursuant to section 59 of the *Community Charter*.

The Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

READ A FIRST TIME this                      day of , 2025

READ A SECOND TIME this                      day of , 2025

READ A THIRD TIME this                      day of , 2025

ADOPTED, this day of , 2025

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## **1. CITATION**

- 1.1 This Bylaw may be cited as the "Business Licence Bylaw 6100, 2025".

## **2. REPEAL**

- 2.1 City of Vernon Business Licence Bylaw Number 5480, 2014, including all amendments thereto, is hereby repealed.

## **3. INTERPRETATION**

### **Severability**

- 3.1 If any part of this Bylaw is held to be 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 portion.

### **Successorship of Delegated Authority**

- 3.2 Words in this Bylaw directing or empowering any officer or employee of the City to do any act or thing, or otherwise applying by name of office, includes successors in such office and any lawful deputy, and any person who is duly appointed to act in that officer or person's place.

### **Definitions**

- 3.3 In this Bylaw, unless context otherwise requires:

**"Amendment Fee"** means the fee as described in Fees and Charges Fees Bylaw No. 3909, as amended from time to time.

**"Applicant"** means a person that applies for a Business Licence pursuant to this Bylaw.

**"Application Fee"** means the fee as described in Fees and Charges Fees Bylaw No. 3909, as amended from time to time.

**"ATM"** means an automated teller machine that permits a Person to access and use one or more financial services customarily provided by a financial institution, including without limitation the provision or collection of currency, or the exchange of cryptocurrency for currency, or the Business of providing an ATM, but not including an ATM located within a financial institution.

**"Business"** means the carrying on of a commercial or industrial activity or undertaking of any kind or nature, or the providing of professional, personal, or other services for the purpose of gain or profit but does not include any activity carried on by the government, its agencies, or government owned corporations.

**"Business Licence"** means a valid and subsisting licence issued by the City that authorizes a Business, trade, profession, or other occupation, to be carried on within the

jurisdictional boundaries of the City that has been approved and issued pursuant to this Bylaw.

**"Bylaw Enforcement Officer"** means an officer or employee of the City to whom the City has delegated responsibility for inspection and enforcement relating to bylaw compliance.

**"City"** means The Corporation of the City of Vernon or the area within the municipal boundaries thereof as the context may require.

**"Contractor"** means a Licencee who performs construction, building, carpentry, plastering, lathing, shingling, concrete work, or any other such work or service for profit or gain.

**"Council"** means the Municipal Council of The Corporation of the City of Vernon.

**"Director of Planning & Community Services"** means the person appointed to that position by the City and includes a person acting for the Director or appointed to act in that office and the deputy of the Director.

**"Farmers' Market"** means a temporary or seasonal market for the display and sale of farm produce and/or products in an open air or indoor venue. These markets must have at least six (6) vendors, that operate for two (2) or more hours per day for a minimum of four (4) days per year.

**"Fireworks"** means devices that explode or burn to produce visual or sound effects and such other explosives as may be designated as such by the Lieutenant-Governor in Council under the provision of the *Fireworks Act* of the Province of British Columbia or under the provision of the *Canadian Explosives Act* and its regulations, as the case may be, but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, police or other agencies for signaling purposes or illumination.

**"Home-Based Business"** means a business operated primarily inside a dwelling unit or an accessory building in a housing zone by a resident of that dwelling unit. A housing use is the primary use on the site and the business activity is accessory.

**"Inter-Community Business Licence"** means a business licence issued by a participating municipality, as identified in the Inter-Community (Mobile) Business Licence Bylaw No. 5117, that authorizes a Business to be carried on within the boundaries of any or all of the participating municipalities.

**"Itinerant Show"** includes a circus, animal show, horseracing, exhibition, and other entertainment events of a transient nature, when held elsewhere than in a licenced theatre or licenced place.

**"Licencee"** means a Person to whom a current Business Licence has been issued under this Bylaw.

**"Licence Fee"** means the fee as described in Fees and Charges Fees Bylaw No. 3909, as amended from time to time.

**"Licence Inspector"** means a person appointed or designated pursuant to section 4.9 of this Bylaw.

**"Licence Period"** means the period of time in which a Business Licence is in force.

**"Manager of Building and Licensing"** means the person appointed to that position by the City and includes a person acting for the Manager or appointed to act in that office and the Licensing Coordinator.

**"Mobile Vending"** means the use of an independently operated vehicle, structure, or mobile apparatus occupying public or private space for retail sale of products, food or beverages, to passers-by.

**"Non-Profit Society"** means a registered charitable society that is:

- a) incorporated and in good standing under the *Societies Act*; and
- b) registered as such under the *Income Tax Act (Canada)* and qualified to issue tax receipts to its donors.

**"Non-Resident Business"** means a business, other than a Resident Business, carried on within the City or with respect to which any work or service is performed within the City.

**"Outdoor Commercial Use"** means a Business seasonally utilizing the public space directly abutting its Premises.

**"Peace Officer"** includes

- a) a sheriff and sheriff's officer,
- b) a warden, correctional officer, and any other officer or permanent employee of a penitentiary, prison, correctional centre or youth custody centre, and
- c) a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace;

**"Person"** in addition to its usual connotation, includes a firm or partnership, association, company, society, body corporate or any other legal entity.

**"Premises"** means a store, office, warehouse, factory, building, house, enclosure, yard or other place occupied by any Person for the purpose of any Business, trade or occupation and will also mean any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of Business is being carried on.

**"Resident Business"** means a Business carried on, in, or from a Premises within the City.

**"Seasonal Business"** means a Business carried on for less than six (6) months in a calendar year.



**"Short-Term Business"** means a Business carried on for less than 30 consecutive days in a calendar year.

**"Short-Term Rental"** means the commercial provision of overnight accommodation in a dwelling unit, to members of the public for a period of less than 90 consecutive days or such other period of time as may be prescribed under the *Short-Term Rental Accommodations Act*. Short-Term Rentals are organized into three classifications as follows:

1. Whole Home: providing the whole habitable principal dwelling unit.
2. Partial Home: providing one (1) or more habitable room(s) within a principal dwelling unit, with shared common areas (e.g., kitchen, living room, etc.).
3. Suite: providing one (1) or more habitable rooms, which includes self-contained sleeping, living, cooking, and sanitary facilities, as well as direct access to the exterior, without passing through any part of the principal dwelling unit. This includes both a secondary suite or an accessory dwelling unit.

**"Special Event"** means a short term or temporary event with mobile vending that, except as provided otherwise in this Bylaw, does not exceed fourteen (14) consecutive days in duration. The Business Licence is issued to the event coordinator and includes, but is not limited to, all outdoor events or gatherings, or proposes to use public properties such as parks, roads or facilities.

**"Strata-Titled Hotel or Motel"** means a property in which accommodation is provided in a manner like that of a hotel or motel and meets the conditions for exemption from the principal residence requirement related to strata-titled hotels or motels as prescribed under the *Short-Term Rental Accommodations Regulation*.

**"Street Performance and Busking"** means a Person who operates a Business as a street performer or busker pursuant to the City's *Street Performance and Busking Policy*.

**"Transportation Services"** includes taxi cabs, ride hailing services, professional driving services, safe ride home programs, and public transit.

#### **4. GENERAL REGULATIONS**

- 4.1 Except as otherwise provided in this Bylaw, no Person will carry on, maintain, own, or operate a Business within the City without holding a Business Licence.
- 4.2 Except as otherwise provided in this Bylaw, no Person may carry on, maintain, own, or operate a Non-Resident Business within the City without holding a valid Inter-Community Business Licence or Non-Resident Business Licence.
- 4.3 If a Licencee operates a single Business in multiple different Premises, each Business is a separate Business for licencing purposes, and the Person operating the Business must obtain a separate Business Licence for each Business.

- 4.4 A Person who operates more than one Business in a Premises must obtain a separate Business Licence for each Business.

### **Licence Exemptions**

- 4.5 No Business Licence is required with respect to:

- a) a performance or concert;
- b) a concession if:
  - i. the entire proceeds, above actual bona fide expenses, are devoted to charitable or community purposes; or
  - ii. it is held in a licenced theatre or other licenced place;
- c) an arts-and-crafts show;
- d) a home-and-trade show; or
- e) a Farmers' Market.

Despite the exemptions above, an exempt Business must not operate on City lands or premises until the exempt Business has provided the City with a certificate of insurance in a form, of an amount, and on terms acceptable to the City, and names the City as additionally insured.

- 4.6 The following Non-Resident Businesses are not required to hold a Business Licence:

- a) commercial travellers offering merchandise for sale or for resale;
- b) owners or operators of carriers, other than Transportation Services, who retrieve passengers or cargo within the City for discharge or delivery outside the City or the converse;
- c) owners or operators of Transportation Services who only discharge passengers within the City;
- d) owners or operators of retail Businesses located in another municipality who:
  - i. deliver product sold by them; or
  - ii. retrieve product being returned or exchanged;
- e) a wholesaler, manufacturer or processor located in another municipality who delivers product sold by them to local merchant(s) for resale;
- f) a real estate agent whose Business Premises is located in another municipality; or
- g) a Business that holds a valid Inter-Community Business Licence.

## **Charitable Exemption**

- 4.7 A Non-Profit Society is required to hold a Business Licence, but is only required to pay a nominal Licence Fee of \$1.00 per year.

## **Authority to Licence**

- 4.8 Council appoints the Director of Planning & Community Services, the Manager of Building and Licensing, and Bylaw Enforcement Officers to serve as Licence Inspectors, who are authorized to carry out and administer the provisions of this Bylaw.
- 4.9 Council delegates to the Licence Inspector the powers of Council to grant a Business Licence if the Licence Inspector is satisfied that:
- a) the Applicant has fulfilled the requirements of this and all other City bylaws applicable to the Business and the Premises;
  - b) the Applicant has fulfilled the requirements of all federal, provincial, local government, and First Nation's legislation applicable to the Business;
  - c) the Applicant has paid the Licence Fee;
  - d) the Applicant does not have any outstanding fees or fines owing to the City in relation to the proposed Business, or any other Business operated by the same Applicant; and
  - e) the Applicant does not have any expired or incomplete building permits in relation to the proposed Business and an occupancy permit has been issued for the premises for the proposed Business use.

## **Sales Prohibition**

- 4.10 The sale of the following is prohibited:
- a) Fireworks.

## **Licence Terms and Conditions**

- 4.11 The Licence Inspector may grant a Business Licence that includes terms and conditions related to:
- a) the hours of operation of the Business;
  - b) the maximum number of occupants or patrons allowed at the Premises;
  - c) requirements for parking spaces;
  - d) the provision and maintenance of public waste containers at the Premises;
  - e) requirements regarding signage and patron identification;
  - f) requirements for the protection of minors;
  - g) compliance with a particular provision of a City bylaw or any other provincial or federal enactment within a specified period of time, including a

requirement to provide the Licence Inspector with evidence of such compliance within a specified period of time;

- h) a requirement that a Person providing a personal health or wellness service, including an esthetician, massage therapist, or cosmetologist, meet specific qualifications;
  - i) requirements for public health, safety and security in relation to the Premises;
  - j) requirements for the prevention of nuisances, including conditions intended to reduce noise, dust, odour (including air filtration and ventilation requirements) or patron misconduct on and/or about the Premises; and
  - k) requirements that, in the opinion of the Licence Inspector, are necessary to ensure that the Business does not have a negative impact on the public, the neighbourhood or other Businesses in the vicinity of the Premises.
- 4.12 Council or the Licence Inspector may amend terms and conditions on a Business Licence, as the need may arise, to address unforeseen concerns when the Business Licence was initially issued.

### **Licence Application**

4.13 All applications for a Business Licence must:

- a) be in the form prescribed from time to time by the Licence Inspector for that purpose;
  - b) be signed by the owner or operator of the Business or their duly authorized agent; and
  - c) contain a true and accurate description of the following information:
    - i. the nature of the Business;
    - ii. the full names and civic residential addresses of all owners of the Business;
    - iii. the Premises, including the civic address, from which the Business is conducted;
    - iv. an after normal Business hours contact telephone number; and
    - v. any other information the Licence Inspector may require with respect to the operation of the Business and its location.
- 4.14 The issuance of a Business Licence is not a representation or warranty by the City that the Business or proposed Business complies with any or all applicable bylaws or enactments, and the Applicant or Licencee bears all responsibility to ensure that the Business or proposed Business complies with all applicable City bylaws and with all other federal and provincial enactments, laws, rules, codes, regulations or orders.

## **Licence Fees**

- 4.15 Every Applicant must, at the time of making an application for a Business Licence, pay to the City the applicable Application Fee.
- 4.16 Every Applicant must, at the time of approval of an application for a Business Licence, pay to the City the applicable Licence Fee.
- 4.17 The Licence Fee will be reduced by 50% in respect to a Business that becomes liable to be licenced after the first day of July in any year. This reduction does not apply to an Inter-Community Business Licence.
- 4.18 The City will not refund an Application Fee, Amendment Fee, or Licence Fee for any reason.

## **Licence Period**

- 4.19 All Business Licences will have a Licence Period of one-year, commencing on the 1st day of January and terminating on the 31st day of December in each and every calendar year, unless otherwise stated in section 4.20.
- 4.20 The Licence Period identified in section 4.19 does not apply in the following instances:
  - a) the Licence Period for a Short-Term Business is for the period requested in writing by the Applicant and approved by the Licence Inspector at the time the Business Licence is issued; and
  - b) the Licence Period for a Seasonal Business is six (6) months.

## **Licence Posting**

- 4.21 The Business Licence must be posted in a conspicuous place in the Premises, vehicle, place or structure for which the Business Licence was issued at all times that the Business is operating.
- 4.22 For a Non-Resident Business, the owner or operator must provide a valid business licence or Inter-Community Business Licence, or an electronic copy, to a Peace Officer or the Licence Inspector upon request.

## **Licence Renewal**

- 4.23 Every Licencee that continues to carry on Business in the City in subsequent calendar years must renew their Business Licence annually by paying the applicable Licence Fee to the City. If the Licence Fee is not paid by March 1 of the calendar year for which the Business Licence is being renewed, the Business Licence will be deemed cancelled. In such cases, the Licencee will need to make a new application to obtain a Business Licence including the payment of an Application Fee.
- 4.24 It will be incumbent upon each Licencee to renew such Business Licence prior to the beginning of each Licencing Period as long as such Business is being carried on.

## **Licence Changes**

4.25 A Licencee must not make a change to their Business, including, but not limited to a change:

- a) in the location of the Business Premises;
- b) to the name of the Business;
- c) to the owner or operator stated on the Business Licence;
- d) to the Licencee's contact information;
- e) to the nature of the Business;
- f) to any term or condition on which the Business Licence was issued; or
- g) that would increase the Licence Fee for a Business,

without first applying to the Licence Inspector to have the Business Licence changed. The same powers, conditions, requirements, and procedures relating to the granting or refusal of a Business Licence will apply to all applications for a Business Licence change.

4.26 A Person applying for a Business Licence change must, at the time of applying, pay to the City the applicable Amendment Fee for the change, as well as any amount by which the Licence Fee may increase.

4.27 Every Licencee must notify the Licence Inspector in writing and surrender their Business Licence within forty-eight (48) hours of the termination of operation of the Business.

## **Refusal, Suspension and Cancellation**

4.28 The Licence Inspector has the authority to refuse an application for a Business Licence or suspend or revoke a Business Licence for reasonable cause by providing the Applicant or Licencee with:

- a) written notice of and reasons for the refusal, suspension, or revocation; and
- b) an opportunity to be heard by Council.

4.29 Without limiting what constitutes reasonable cause for the refusal of an application of a Business Licence or the suspension or revocation of a Business Licence, the following may constitute reasonable cause:

- a) the Applicant or Licencee fails to comply with this Bylaw;
- b) the Applicant or Licencee fails to comply with a term or condition of the Business Licence;
- c) the Applicant or Licencee fails or ceases to meet the lawful requirements to carry on the Business at the Premises;

- d) the Applicant or Licencee is convicted of an offence that, in the opinion of Council or the Licence Inspector, directly relates to the Business;
- e) the Applicant or Licencee violates any City bylaw that is, in the opinion of Council or the Licence Inspector, in any way related to the Business or the Business Premises; or
- f) the Licencee has engaged in misconduct with respect to the Business or the Business Premises which, in the opinion of Council or the Licence Inspector, warrants the suspension or cancellation of the Business Licence.

4.30 If Council or the Licence Inspector suspends a Business Licence:

- a) the suspension is for such period of time as Council or the Licence Inspector may determine; and
- b) Council or the Licence Inspector may impose additional terms and conditions that the Licencee must meet in order to obtain a Business Licence at the end of the suspension period.

4.31 If Council or the Licence Inspector suspends or cancels a Business Licence:

- a) the Licence Inspector must provide notice of the suspension or cancellation to the Licencee pursuant to the notice provisions outlined in this Bylaw; and
- b) the Licencee must surrender the Business Licence to the Licence Inspector.

4.32 Notwithstanding the notice provisions in this Bylaw, the Licence Inspector may post a notice of the suspension or cancellation of a Business Licence upon the Premises for which the Business Licence was issued, and such notice will not be removed until the Business Licence is reinstated or the Business ceases to occupy the Premises.

4.33 Reinstatement of a suspended or cancelled Business Licence is subject to payment to the City of a new Application Fee.

### **Notice**

4.34 The Licence Inspector may deliver written notice to an Applicant or Licencee personally or by mail:

- a) if the Applicant or Licencee is a corporation, by delivering or mailing the notice to the corporation's registered office; or
- b) by delivering or mailing the notice to the address of the Applicant provided on the application or to the address of the Business subject to the Business Licence.

4.35 Notice delivered in accordance with section 4.34 is presumed to have been received by the Applicant or Licencee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

## **Reconsideration by Council**

- 4.36 If the Licence Inspector refuses to grant, suspends, cancels or imposes terms and conditions upon a Business Licence, the Applicant or Licencee who is subject to that decision may request that Council reconsider the Licence Inspector's decision by, within 30 days of the date of receiving notice of the Licence Inspector's decision, delivering to the Corporate Officer a written request stating the grounds upon which the request for reconsideration is based.
- 4.37 Upon receipt of the written request for reconsideration by the Applicant or Licencee, the reconsideration process will follow the procedures established in the Delegation of Authority Bylaw No. 5727.

## **5. SPECIFIC PROVISIONS**

### **Contractor**

- 5.1 A Contractor must:
- a) only use sub-contractors who hold a Business Licence or Inter-Community Business Licence; and
  - b) within two (2) weeks of delivery of a written request by the Licence Inspector, provide a list of all sub-trades engaged on each specific job.

### **Food and Beverage Service**

- 5.2 A food and beverage service Business must receive approval from Interior Health prior to operating, and must not receive a high hazard rating or failing grade on any inspection conducted by Interior Health.
- 5.3 An owner or operator of a food and beverage service business must:
- a) clean out grease traps as frequently as required to prevent the discharge of grease and oil to the sanitary sewer system;
  - b) submit a grease trap inspection report upon request of the Licencing Inspector; and
  - c) open the lid of the grease trap for inspection purposes at the request of the Licencing Inspector.

### **Home-Based Business**

- 5.4 A Home-Based Business must be operated at the Licencee's principal residence.
- 5.5 All parking for customers of a Home-Based Business must be contained on the property and each parking space must be clearly marked as such.
- 5.6 Parking spaces identified for a Home-Based Business are for the exclusive use of the Home-Based Business and do not count towards parking requirements for a dwelling unit.



## **Hotel or Motel**

5.7 A Hotel or Motel must:

- a) maintain records, pursuant to the *Hotel Guest Registration Act*, to be provided upon request to a Peace Officer or the Licence Inspector;
- b) post a copy of the fire evacuation plan, showing the location of exits, fire extinguishers, and smoke detectors, in each guest room; and
- c) provide the Licence Inspector with the total number of units contained in the hotel or motel.

5.8 Additionally, Strata-Titled Hotel or Motel must:

- a) provide the Licence Inspector with the total number of units contained in the strata, as well as the number of units currently in operation as part of the Strata-Titled Hotel or Motel. The Licence Fee for a Strata-Titled Hotel or Motel will be calculated based on the total number of units contained in the strata.

5.9 A Short-Term Rental Business Licence cannot be issued for an individual strata lot in a Strata-Titled Hotel or Motel.

## **Mobile Vending**

5.10 Every Applicant for a Mobile Vending Business Licence must:

- a) complete and submit a Mobile Vending application for consideration by the Licence Inspector; and
- b) supply the Licence Inspector with evidence that all vehicles intended for use by the vendor are insured under a comprehensive liability policy for five million dollars (\$5,000,000) with the City named as an additional insured and saved harmless. Overage under the policy cannot be cancelled, or any provisions changed or deleted unless thirty (30) days prior written notice has been given to the City by the insurer.

5.11 An owner or operator of a Mobile Vending Business must:

- a) operate only within the approved licence area as defined by the City in consideration of public safety and traffic;
- b) ensure the Premises is free of litter;
- c) remove recycling and garbage containers from the Premises after each business day;
- d) maintain the vehicle, structure or mobile apparatus being used for the Business in good repair;
- e) keep all items associated with the Business inside its assigned space including but not limited to signage, tables and displays;

- f) remove all structures, appurtenances and other property from the site at the end of each Business day;
- g) vacate or relocate from the designated licence area at any time as the City requires; and
- h) comply with all provisions of the *Motor Vehicle Act*, as well as all City bylaws and Provincial enactments with respect to traffic and the use of highways within the City.

### **Outdoor Commercial Use**

5.12 An Outdoor Commercial Use must be authorized through an encroachment agreement with the City and must comply with all applicable City bylaws and policies relating to the establishment of an Outdoor Commercial Use.

### **Rental/Lease of Watercraft**

5.13 A Licencee that rents or leases personal watercrafts must include the following terms and conditions in the rental/lease agreements with their patrons:

- a) the hours of operation for watercraft rentals are limited to the hours between 6:00 a.m. and 11:00 p.m.;
- b) all watercrafts, while on plane or overtaking, must be at least forty-five (45) metres away from all other watercrafts;
- c) if a watercraft is not on full plane, it may come up to other boats; and
- d) all powered watercrafts must be operated a minimum of one-hundred fifty (150) metres away from the shoreline, and never over the littoral shelf, unless using the most direct route to and from shore, except when entering a launch point or marina.

5.14 An owner or operator of a Business that rents or leases personal watercrafts must:

- a) record the name of the renter/leasee and the unit number of the watercraft for each rental;
- b) ensure that all renters/leasees have a valid licence to operate the watercraft;
- c) provide the renter/leasee with basic watercraft operating and safety rules and instructions, prior to the rental or lease;
- d) ensure that all watercrafts are permanently marked with a minimum of 7.6 cm (3 in) high letters or numbers which identify the name of the rental operator and the unit number of the watercraft; and
- e) patrol the areas in which their rented watercrafts are operated, in order to enforce compliance with the requirements of this Bylaw.

## **Short-Term Rental**

- 5.15 A Short-Term Rental (all classifications) must be operated at the Licencee's principal residence.
- 5.16 Every Applicant for a Business Licence to operate a Short-Term Rental (all classifications) must provide the Licence Inspector with the number of bedrooms intended for operation and disclose whether meals are to be provided.
- 5.17 An owner or operator of a Short-Term Rental (all classifications) must:
- a) maintain records, pursuant to the *Hotel Guest Registration Act*, to be provided upon request to a Peace Officer or the Licence Inspector;
  - b) post a copy of the fire evacuation plan, showing the location of exits, fire extinguishers, and smoke detectors, in each guest room;
  - c) accommodate no more than eight (8) guests at the Premises at any one time including boarders and lodgers; and
  - d) provide one designated parking spot on the Premises per bedroom, to be used exclusively for patron vehicles, and clearly marked as such.
- 5.18 A Short-Term Rental (Suite) must:
- a) be authorized to occupy by the City for each suite or accessory dwelling unit subject to the Business Licence.

## **Special Events**

- 5.19 Unless otherwise provided for in this Bylaw, every Person holding a special event including mobile vendors shall obtain a special event Business Licence prior to holding the special event, however;
- a) A licence for each mobile vendor at a special event is not required if the Person coordinating the special event holds a valid licence for the mobile vending for that special event; and
  - b) The applicant for a special event Business Licence for a special event being held on City property must submit, along with the licence application, written authorization from the City to hold the special event on City property with confirmation of acceptable comprehensive insurance coverage naming the City as additional insured.
- 5.20 Street Performers and Buskers - Every applicant for a street performance and busking licence must comply with the City's current *Street Performance & Busking Policy*.

## 6. ENFORCEMENT AND PENALTY

### Inspection

- 6.1 Every owner or operator of a Business must provide any information with respect to the Business as the Licence Inspector reasonably requests for the purpose of ensuring that the requirements of this Bylaw are being fulfilled.
- 6.2 Subject to the *Community Charter*, the Licence Inspector or any appointed officer of the City engaged in the administration or enforcement of this Bylaw, are hereby authorized to enter a Premises, vehicle, or other place in respect of which a Business Licence has been applied for or granted pursuant to this Bylaw, at all reasonable times to inspect and determine whether the regulations and requirements of this or any other bylaw and the Business Licence are being observed.
- 6.3 No person will obstruct the Licence Inspector or any appointed officer of the City engaged in the administration or enforcement of this Bylaw.
- 6.4 Any Person who:
  - a) Contravenes, violates, fails or neglects to comply or do anything required by any provision of this Bylaw; or
  - b) Suffers or allows any act or thing to be done in contravention of this Bylaw, commits an offence and upon conviction will be liable to a fine of not more than fifty thousand (\$50,000) dollars, and where the offence is a continuing one, each day that the offence is continued will constitute a separate offence.
- 6.5 This Bylaw may be enforced by:
  - a) a Peace Officer or the Licence Inspector;
  - b) proceedings brought under the *Offence Act*;
  - c) means of a bylaw notice as authorized by the *Local Government Bylaw Notice Enforcement Act* and fines imposed under the City's Bylaw Notice Enforcement Bylaw No. 5250, as amended from time to time; or
  - d) means of a municipal ticket information as authorized by the *Community Charter* and fines imposed under the City's Municipal Ticket Bylaw No. 5300, as amended from time to time.
- 6.6 A Peace Officer or the Licence Inspector may refer any disputed bylaw notices to adjudication and may represent the City in any related proceedings.
- 6.7 A Peace Officer or the Licence Inspector may refer any disputed municipal ticket information to the Provincial Court and may represent the City in any related proceedings.

## **No Duty of Care**

- 6.8 Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to a Business Licence issued under this Bylaw, will be interpreted as giving rise to a cause of action in favour of any Person.

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