



District of Sicamous

Business Licensing and Regulations Bylaw No 830, 2011

Effective Date – November 9, 2011

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 930, 2017	February 22, 2017
Bylaw No. 830, 2011	April 10, 2019

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 830 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 830 and all amending bylaws must be consulted.

DISTRICT OF SICAMOUS

BYLAW NO. 830

A bylaw for the licensing and regulation of businesses

WHEREAS, Council may, pursuant to s. 8(6) of the *Community Charter*, regulate in relation to business;

NOW THEREFORE, the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS**:

TITLE

- 1) This Bylaw may be known and cited for all purposes as “**Business Licensing and Regulations Bylaw No. 830, 2011**”.

DEFINITIONS

- 2) In this Bylaw:

“**Applicant**” shall mean any person who makes an application for a licence under the provisions of the Bylaw;

“**Building Inspector**” shall mean the person appointed from time to time by Bylaw or Council and shall include any Acting, Assistant or Deputy Building Inspector;

“**Business**” means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other service for the purpose of gain or profit, or carrying on a home occupation pursuant to the bylaws of the District of Sicamous, but does not include any activity carried on by the government, its agencies or government-owned corporations;

“**Council**” means the Council of the District of Sicamous, or its duly authorized representatives;

“**District**” means the District of Sicamous, or the area governed by it.

“**Fire Chief**” means the person so appointed from time to time by the Council, and shall include any Deputy Fire Chief or Assistant Fire Chief;

“**Flea Market**” means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public;

“**Inter-Community Business**” means a business that performs a service or activity within more than one Participating Municipality but not from or in Premises in one or more participating municipalities, and who provides the service or activity by moving from client to client;

“**Inter-Community Business Licence**” means a business licence which authorizes an Inter-Community Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with Bylaw 735, 2008;

“**Licence Inspector**” means the person or persons from time to time duly appointed by this bylaw for the purpose of enforcing the provisions of this bylaw and shall include the Administrator, Corporate Officer, Manager of Works Services and Bylaw Enforcement Officer or their designate;

“**Mobile Vendor**” means any person who, from a motor vehicle, trailer or cycle, as defined and licensed under the *Motor Vehicle Act*, or thing, sells, or offers for sale food or merchandise or who

advertise or takes orders for goods or services, but does not include special event mobile vendors;
(Amending Bylaw No. 930, 2017)

"Non-Profit Organization" means an organization/operation formed under the "Societies Act", "School Act", "Heath Act" or any other Provincial or Federal Acts that do not define profit as their objective for operations;

"Pawner" means a person, firm, or corporation who pawns property to a pawnbroker;

"Pawnshop" means a business where goods or chattels are taken in pawn;

"Pawnbroker" shall mean a person who keeps a shop for the purchase or sale of goods or chattels or for taking in goods or chattels by way of security for money advanced on them, and purchases, receives or takes in goods or chattels and pays, advances or lends on them a sum of money under an agreement expressed, implied or to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards redeemed or repurchased on any terms.

"Person" shall, in addition to its ordinary meaning, mean and include a firm, corporation, association, company or partnership, and the singular shall be held to and include the plural, but shall not include a firm, partnership or association of persons carrying on in any of the professions.

"Picture Identification" means one or more of the following that includes a photograph of the bearer:

- a) Valid driver's licence issued by a Canadian province or territory;
- b) Provincial identity card;
- c) Passport issued by a legitimate government;
- d) Certificate of Indian status issued by the Government of Canada;
- e) Certificate of Canadian citizenship issued by the Government of Canada; or
- f) Conditional release card issued by Correctional Services Canada.

"Police Force" means the local detachment of the Royal Canadian Mounted Police;

"Premises" shall include store, office, warehouse, factory building, enclosure, yard or other place occupied, or capable of being occupied, by any person for the purpose of any business, trade or occupation, and shall also mean any area situate within any one of the foregoing, where more than one separate and/or distinct class or classification of business is carried on; and,

"Social Event" means a dog show, art and cultural shows, horse shows, etc., but does not include District sponsored events.

LICENSING REGULATIONS

Licence Requirement

- 3) Except as otherwise provided in this bylaw, no person shall carry on business in the District without first having obtained and paid for a licence or have an Inter-Community Business Licence.
- 4) Except as otherwise provided in this bylaw, every person who:
 - (a) owns or operates any business within the District shall apply for, obtain and hold a licence for their business; and,

- (b) carries on business from more than one premise in the District shall obtain a separate licence for each premise, whether or not the premises are located in the same building.

Licence Exemptions

- 5) The following persons are not required to obtain a business licence:
 - (a) non-profit organizations; and,
 - (b) agricultural producers not involved in retail sales.
- 6) Persons holding a residential garage/yard sale are limited to two weekends, four (4) sale days, per year per residence in single and two-family residential areas, or two sale days per building per year in multiple family areas without obtaining a business licence.
- 7) The Administrator, being a duly authorized representative of the District of Sicamous, has the discretionary authority to waive business licence fees for non-profit organizations for Special Events.

Licence Period

- 8) Except as hereinafter otherwise provided, licenses shall be granted for a one (1) year period, to commence on the first day of January and to terminate on the 31st day of December in each and every year.
- 9) If a business has ceased operation for a period of six (6) months the Business Licence is deemed to have expired.
- 10) The licence period for a social event shall be for the duration of the event, not to exceed three (3) days.

Licence Application and Fee

- 11) Every person who wishes to acquire a licence, to carry on business in the District shall make application to the District using the prescribed form in accordance with Section 12 and approved by the Administrator and pay the fee prescribed in the District of Sicamous Fees and Charges Bylaw No. 740, 2009.
- 12) Applications shall be made at Sicamous District Hall, during regular office hours, Monday to Friday, except Holidays, and shall include such information as:
 - (a) the name and address of the owner(s)/applicant(s);
 - (b) the name and address of the business;
 - (c) the type or nature of the business; and
 - (d) any other information that the Licence Inspector reasonably requests;and shall be signed by the owner or operator of the business, or the owner or operator's agent duly authorized in writing. In the case of partnerships or multiple owners, any one of such agents, owners or part owners may apply.
- 13) All licence applications shall be subject to the provisions of the District of Sicamous Zoning Bylaw No. 101, 1993 as amended or replaced from time to time; as well as any other municipal bylaws or provincial statues relating to public health and safety.

- 14) Where an applicant applies for more than one licence, the particulars of each licence applied for shall be included on a separate application form for each licence.
- 15) The licence fee paid at the time of application shall not be refunded on account of a person ceasing to do business. A licence fee shall be refunded only if the license application is withdrawn prior to issuance of the licence or if issuance of the licence is refused.
- 16) In processing an application, the Licence Inspector may require inspections by the District's Building Inspector and Fire Chief and approvals from public health officials.

Licence Approval or Refusal

- 17) The Licence Inspector is hereby authorized to and may grant a licence to any applicant upon being satisfied that the applicant has complied with the requirements of the bylaws of the District regulating building, zoning, health, sanitation and business, or with Provincial or Federal Statutes and regulations, and amendments thereto, for the time being in force in the District.
- 18) The Licence Inspector is hereby authorized to refuse the issuance of a license, upon being satisfied that the public health, fire, and safety requirements of the bylaws of the District regulating building, zoning, health, sanitation and business are not being met, or with Provincial or Federal Statutes and regulations, and amendments thereto, for the time being in force in the District.
- 19) Where a Licence Inspector has refused to issue a Licence, the applicant has the right to appeal the decision to Council pursuant to Section 30, who may conduct a hearing pursuant to that section.
- 20) The Licence Inspector may refer the decision of granting or refusing to grant a Licence to Council, who may conduct a hearing pursuant to Section 30.
- 21) The Licence Inspector is hereby authorized to enter at all reasonable times, on any property that is subject to a licence application, to ascertain whether the requirements of this bylaw are being met or the regulations observed.
- 22) No person shall unreasonably obstruct or prevent a Licence Inspector from carrying out his or her duties as prescribed in this bylaw.

Licence to be Displayed

- 23) The licence holder, or person in charge or control of premises where the business for which the licence is issued, is carried on, shall at all times keep the licence or licenses prominently displayed in the business area of the premises to which the public have access. Where the Licence holder has no business premises in the District, the Licence shall be carried upon the Licence holder's person at all times when the Licence holder is engaged within the District in the business for which the Licence was issued. Anyone failing to post, and keep the same posted as aforesaid, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.

Licence Compliance

- 24) A licence authorizes only the person named in the licence to carry on only the business described in the licence, and only at the premises or locations described in the licence.
- 25) The issuance of a Licence shall not be deemed to be a representation by the District to the licence holder that the business or proposed business complies with any or all applicable bylaws or enactments, be they Municipal, Provincial or Federal. The business owner remains responsible to ensure compliance with all bylaws and enactments.

Licence Transfer

- 26)** Every licence granted under this bylaw shall be deemed a licence to the licensee(s) and shall not be transferable to any other person.
- 27)** No person to whom a licence has been granted under this bylaw shall change the location of the business without the prior approval of the duly authorized representative of Council and the payment of a transfer fee as outlined in the District of Sicamous Fees and Charges Bylaw No. 740, 2009. Such transfer may be refused where the new location does not comply with applicable Municipal Bylaws and regulations. Any person carrying on a business at premises other than those specified in his licence shall be considered to be in contravention of this bylaw.

Licence Suspension or Revocation

- 28)** The Licence Inspector is hereby authorized to, and may suspend any Licence for such period as may be determined by the Licence Inspector if the Licence holder:
- (a) is convicted of an offence indicated in Canada;
 - (b) is convicted of an offence under any Municipal Bylaw or Statute of the Province in respect of the business for which the person is licensed or with respect to the premises named in the Licence;
 - (c) has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the Licence that it warrants the suspension of the Licence
 - (d) has ceased to meet the lawful requirements to carry on the business for which the person is licensed or with respect to the premises named in the Licence;
 - (e) has, in the opinion of the Licence Inspector, conducted the business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of sixteen (16) years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen (16) years; and,
 - (f) the suspension of a Licence by the Licence Inspector shall be made, in writing, signed by the Inspector and served on the person holding such Licence or delivered to the holder of such Licence by registered mail to the notice of suspension of Business Licence may be posted by the Licence Inspector upon the premises for which the Licence was issued and such notice shall not be removed until the Licence is reinstated, the former Licence holder ceases to occupy the premises, or a new business other than the one carried on by the former Licence holder is started in the premises. The Licence Inspector may also pick up any Licence held by the Licence holder during such period of suspension.
- 29)** The Council may suspend or revoke a Business Licence for reasonable cause after giving notice to the licence holder, and after giving the licence holder an opportunity to be heard, but such notice and opportunity to be heard is not required in respect of the licence holder who by reasonable efforts cannot be found.

Licence Refusal or Suspension Appeal

- 30)** Any person whose Licence has been suspended, or who has been refused a Licence, may appeal to Council by giving written notice to the Corporate Officer of the District of his intention to appeal. Such appeal shall state the grounds upon which the appeal is made. Council shall appoint a time and a place for the hearing of the appeal and may confirm or set aside such decisions made by the Licence Inspector, as it may deem appropriate.

- 31) Notwithstanding anything contained in the *Community Charter* or in the Bylaws of the District, the Council, may, upon the affirmative vote of at least two-thirds of all the members, refuse in any particular case to grant the request of an applicant for a Licence pursuant to this Bylaw, but the granting or renewal of a Licence shall not be unreasonably refused.

BUSINESS REGULATIONS

Automobile Dealerships or Sales Lots

- 32) Every person who makes application for a Business Licence to carry on an automobile dealership or sales lot must provide verification of acceptance that they will be granted approval or have been granted approval of a valid and current B.C. Provincial Dealers Licence or any such equivalent Provincial Licence or amendment to same which pertains to the same automobile dealership or sales lot for which the Business Licence has been applied for.

Bulk Water Sales

- 33) Every person carrying on the business of bottling and selling water supplied by the District shall supply the Licence Inspector with all information pursuant to the District's Water Regulation Bylaw, as amended from time to time.

Door to Door Sales

- 34) No person (in the District) shall call at any residence between the hours of 6:00 p.m. and 8:00 a.m. for the purpose of selling, soliciting, or taking orders for goods, materials, publications, or services of any kind, unless previous appointment has been made for such call. This section is not applicable to non-profit organizations, i.e. Girl Guides, Public School Students, etc.

Flea Market

- 35) A Business Licence for flea markets shall be consider to cover all vendors within the flea market. Such licenses shall be limited to operating one day per week at the specific premises.

General Contractors

- 36) Every person licensed as a general contractor shall provide the Licence Inspector with a list of all sub trades engaged on a specific job. Failure, neglect or refusal to submit such list within two weeks of commencing a specific job shall be an infraction of this Bylaw.
- 37) It will be the responsibility of the primary contractor to ensure that all sub-contractors and tradespersons have obtained a valid and subsisting District of Sicamous Business Licence or have a valid and subsisting Inter-Community Business Licence.

Liquor Licence and Cannabis Licence Establishments

- 38) Every person that requires District involvement, as either part of their initial Liquor Control Licensing or Cannabis Control Licensing process or as part of an extension or amendment of an existing Liquor Licence or Cannabis Licence, must:
- (a) adhere to the most recent District Council policy that deals with Liquor Licensing or Cannabis Retail Licensing prior to submitting their initial application for a Business Licence; and
 - (b) pay an application fee established by the District if the District involvement requires a public consultation process.

Mobile Vendors

- 39)** No mobile vendor shall operate within the District without first having obtained a District of Sicamous Business Licence.
- 40)** No mobile vendor shall operate within the District, except for the following conditions:
- (a) when the zoning on privately owned property allows a mobile vendor;
 - (b) by first obtaining written consent of the Council for District owned property, boulevards, and highways;
 - (c) by first obtaining written consent from the School District for government owned school grounds.
- 41)** No mobile vendor shall operate on or from any municipally owned property, boulevards or highways unless and until the applicant has provided evidence of:
- (a) Motor Vehicle Liability Insurance with a minimum coverage of \$2,000,000;
 - (b) Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the District as an additionally named insured; and,
 - (c) operate within thirty (30) metres of a business selling comparable goods or services from a District owned property, boulevard or highway unless permission from the owner of the business is first obtained.
- 42)** Where food is being sold, the mobile vending unit (vehicle/trailer/cycle) must have a valid permit as issued by the Medical Health Officer of the Province of British Columbia.
- 43)** Every person who operates a mobile vending unit shall be responsible to provide suitable garbage collection containers, and to keep the area around the vending location free of any waste material originating from the vendor's business.
- 44)** Mobile vending units must be attended (staffed) at all times when on site, and must be removed from the location when not staffed.
- 45)** A mobile vendor must state on the business licence application those public places where the mobile concession will be operated.
- 46)** Where a mobile vendor wishes to operate in a District Park it may be subject to certain restrictions if a Facility Use Permit has been issued to a specific organizer of an event in that Park.
- 47)** Where a mobile vendor is catering to or delivering to a residential site, business or construction site, such units shall not park or stop on the traveled portion of a highway, and shall not be stopped at one location longer than is necessary to serve customers, and at no time shall remain stopped for longer than fifteen (15) minutes at any one location.

Pawn Broker

- 48)** Each pawnshop must establish and maintain a record, to be called the "Pawnshop Register" of all property taken in pawn by the pawnbroker.

- 49)** Each pawnshop, immediately after the purchase or taking in pawn of any property, must set out in the register in the English language a record of the pawn, in chronological order by date of pawn. The record must include:
- (a) The name, residence or street address of the pawner from whom the pawn shop, or any employee of the pawn shop, took the property in pawn;
 - (b) Confirmation of the identity of the pawner by way of picture identification including a complete description of the picture identification and name of the authority who issues it;
 - (c) A complete description of the property including the make, model and serial number;
 - (d) The type of acquisition being a pawn or purchase;
 - (e) The price paid for the property in pawn;
 - (f) The precise date and hour of taking the property in pawn; and
 - (g) Identifying or distinguishing marks on the property.
- 50)** A pawnshop must not amend, obliterate or erase any entry in the register, either wholly or partially or electronically or manually.
- 51)** Each pawnshop, during business hours on business days, must make the register available for inspection by the Chief of Police, any police force member, or the Inspector.
- 52)** Each pawnshop must on a weekly basis submit a current copy of a register with information only of the goods taken in to the Chief of Police by fax, email or hand delivery.
- 53)** The Chief of Police or a police force member may remove a pawnshop's register of goods taken in from the pawnshop's premises at any time for inspection at the Office of the police force or for use as evidence in Court.
- 54)** Immediately upon return of the register taken under Section 52 to the pawnshop, the pawnshop must record in the register, in chronological order, as set out in Section 49, every taking by the pawnshop of property that occurred during the absence of the register.
- 55)** Each pawnshop must:
- (a) Subject to Section 52, keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
 - (b) If the pawnshop sells, leases or otherwise disposes of the pawnshop business to any person, transfer possession of the whole register to such person.
- 56)** A pawnshop must not carry on the business of taking in pawn any property except at the premises designated in the pawnshop licence.
- 57)** A pawnshop must not take in pawn any property from any person between 9:00 p.m. on one calendar day and 8:00 a.m. of the next calendar day.
- 58)** A pawnshop must not take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 59)** A pawnshop must not take in pawn any property from any person under the age of 18 years.

- 60) Each pawnshop, on request by the Chief of Police or any police force member during business hours on business days, must permit the Chief of Police or any police force member to inspect any pawned property in the pawnshop's premises for purposes of police investigation.
- 61) Each pawnshop must post and maintain the pawnshop's name and address plainly and visibly in English lettering on the front of the pawnshop's premises in accordance with the City's current sign bylaw, and all subsequent amendments.
- 62) During the applicable period of time set out in Section 57, each pawnshop, with respect to each item or property the pawnbroker takes in pawn must:
- (a) Clearly and individually tag by date of pawn, and clearly and physically separate from other property in the pawnshop's premises the item of property;
 - (b) Not repair, alter, dispose of, part with possession of, or remove from the pawnshop's premises the item of property; and
 - (c) Not suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the pawnshop's premises the item of property.
- 63) Each pawnshop must comply with the requirements of Section 62, with respect to each item of property the pawnshop takes into pawn, for the longer of:
- (a) 30 calendar days after the date the pawnshop who maintains a register takes in pawn the item of property;
 - (b) The number of days of which the Chief of Police or any police force member advises the pawnshop, which must not exceed 90 days after the date the pawnshop takes in pawn the property.

Provincial Direct Sellers

- 64) Every person that has a Provincial Direct Sellers Licence, must also obtain and pay for a Business Licence prior to carrying on a business within the District.

Rental/Lease of Personal Watercraft

- 65) Operators of premises which rent or lease personal water craft shall include the following in their rental/lease agreements:
- (a) That the hours of operation for watercraft rentals be limited to the hours between 7:00 a.m. and 9:00 p.m.
 - (b) That the operators of the rented or leased personal water craft while on plane or overtaking keep their personal water craft at least 30 metres away from all other water craft that are on the water; if the watercraft is not on full plane, it can come up to other boats.
 - (c) The rental agent shall require that rented or leased personal watercraft be operated 150 metres away from the shoreline unless using the most direct route to and from shore, except when entering a launch point or marina.
 - (d) The rental agent shall require that rented or leased personal water craft be prohibited from jumping the wake created by other boats or water craft on the lake.
 - (e) That the name of the lessee and the unit number of the personal water craft which is being rented/leased is recorded.

(f) The rental agent shall require that the rented/leased personal water craft be prohibited from exceeding a speed limit of 10 kilometers per hour within 30 metres of the natural boundary of the lake.

66) Operators of premises which rent or lease personal water craft shall provide the persons renting or leasing such personal water craft basic operating, water safety rules and instructions on the use and operation of the personal water craft, prior to allowing that person to operate such personal water craft.

67) Operators of premises which rent or lease personal water craft shall ensure that the personal water craft are permanently marked with a minimum of 3 inch high letters or numbers which identify the name of the rental/lease operator and the unit number of the water craft.

68) Operators of premises which rent or lease personal water craft shall monitor the areas in which their rented/leased water craft are operated, in order to enforce compliance with the requirements of Section 1 of this bylaw.

Social Events

69) The Business Licence for a Social Event shall be considered to cover all vendors within the show.

Subcontractors

70) Every person carrying on the business of, or operating as either a contractor or subcontractor, must also obtain and pay for a Business Licence, if the contractor or subcontractor does not have an Inter-Community Business Licence prior to carrying on business within the District, even when the General Contract has obtained a Business Licence.

OFFENCES and PENALTIES

Offences

71) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.

72) Any person who violates any of the provisions of this bylaw shall, upon summary conviction, be liable to a penalty of not more than two thousand dollars (\$2,000) or a term of imprisonment not exceeding sixty days or both.

Penalties

73) A person who violates any provision of this bylaw commits an offence and is liable on conviction, to a fine of not less than one-hundred (\$100.00) or more than two thousand dollars (\$2,000.00), inclusive of the cost of the prosecution, and the applicable Licence Fee.

74) Each day during which any violation of a provision of this bylaw is continued shall constitute a new and separate offence.

SEVERABILITY

75) If any portion of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that portion shall be deemed to be severed from the bylaw and its severance shall not affect the validity of the remaining portions of this bylaw.

Bylaws Repealed

76) This bylaw hereby repeals the following bylaw, and any and all amendments thereto:

(a) *District of Sicamous Business Licence Bylaw No. 32, 1990*

READ a first time this 26th day of October 2011.

READ a second time this 26th day of October 2011.

READ a third time this 26th day of October 2011.

RECONSIDERED AND FINALLY ADOPTED this 9th day of November 2011.

“Terry Rysz”

Mayor

“Evan Parliament”

Corporate Officer

Certified a true and correct copy of the
District of Sicamous Business Licence Bylaw No. 830, 2011.

Corporate Officer