

DISTRICT OF 100 MILE HOUSE
BUSINESS LICENSE BYLAW NO.1407, 2023

A bylaw to provide for licensing and regulation of businesses

WHEREAS pursuant to the Community Charter, Council may, by bylaw, regulate matters in relation to business.

NOW THEREFORE Council for the District of 100 Mile House, in open meeting assembled, hereby enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as "***Business License Bylaw No.1407, 2023.***"

2. REPEAL

The "District of 100 Mile House Business License Bylaw No.1252, 2013," and all amendments therefore are hereby repealed.

3. SEVERABILITY

If any portion of this bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

4. INTERPRETATION

Except as otherwise defined in **Schedule A** to this Bylaw, words and phrases herein are to be construed in accordance with their meanings under the *Community Charter* and the *Interpretation Act*, as the context and circumstances require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Headings are for conveniences only and must not be construed as defining or in any way limited the scope or intent of this Bylaw. If any part of this Bylaw is held as being invalid by a court of competent jurisdiction, the invalid parts is severed and the remainder is deemed to have been enacted without the invalid part.

5. APPLICATION

This Bylaw applies to all business activity in or from premises within the District, except in relation to activity carried on:

- (a) by the government of Canada or its agents, corporations or persons acting for or on behalf of the Federal government;
- (b) by the Province of British Columbia or its agents, corporations or persons acting for or on behalf of the Province;
- (c) by the District or another local government or by an agent, corporation, or person acting for or on behalf of the District or other local government;
- (d) by a person on an Indian Reserve, by an Indian Band within the meaning of the *Indian Act* (Canada), or by an Indian Band organization composed exclusively of Indian Bands or other person employed to act for or on behalf of the Indian Band.

6. COMPLIANCE WITH OTHER APPROVAL AGENCIES

- 6.1** If a business is subject to any requirements, approvals, or restrictions of the federal, provincial, or local government, the applicant must meet all requirements, acquire such approvals, and adhere to such restrictions prior to submitting an application.
- 6.2** The District's issuance of a license is not a representation by the District to the licensee or any person that the business complies with legislation, or other enactments, that apply to that business. As such, if the District issues a license to a licensee, it is their responsibility for ensuring that their business complies with all applicable legislation and enactments.

7. AUTHORITY OF BUSINESS LICENSE INSPECTOR

- 7.1** The following officers of the District of 100 Mile House are designated as "License Inspectors" for the purpose of issuing business licenses and/or administering and enforcing the provisions of this bylaw:
 - (i) CAO or Deputy
 - (ii) Corporate Officer or Deputy

7.2 The Business License Inspector may, in accordance with this Bylaw:

- (a) issue a license when he or she is satisfied that the applicant has complied with the requirements of the regulations governing building, zoning, fire, health, sanitation and business;
- (b) shall have the authority to grant or refuse a business license in any specific case, provided that a business license shall not be unreasonably refused and, in the case of refusal, upon request, the Business License Inspector will provide written reasons for refusal.

8. LICENCE REQUIREMENTS

8.1 A person must not operate a business within the District except in accordance with this Bylaw and, unless exempted in this Bylaw, in accordance with a valid and current license issued by the License Inspector for that business.

Exemptions

8.2 A license is not required for the following activities:

- (a) a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose.
- (b) a performance, concert, exhibition, entertainment or concession that is held in a licensed theatre or other licensed place.
- (c) a business of letting or renting rooms if not more than 2 rooms are available for letting or renting.
- (d) commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business.
- (e) owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged..
- (f) persons practicing a profession governed by a special Act, unless they regularly and generally carry on business in the municipality.
- (g) Non-profit organizations are not required to obtain a business license but will be required to register with the District.

Applications and Information

- 8.3** Every person applying for a license or a transfer of license shall complete the District Business License Application form. Applications may be signed by the owner or his duly authorized representative.
- 8.4** Any person making an application for a license shall give true and correct details for the business that the license is being applied for, on the application form supplied by the District. Any false declaration or concealment of material facts shall be deemed an infraction of this Bylaw and shall be liable to the penalties set forth in Section 11.4.
- 8.5** For the purpose of this Bylaw, where a business is carried on, in or from more than one premises, the business carried on, in or from each premises shall be deemed a separate and distinct business.
- 8.6** Where more than one business with separate and/or different owners is carried on, in or from a single premise, each separate business requires a business license.
- 8.7** Where more than one business is operated by one owner in or from a single premise, a business license shall be required for the principal business only.
- 8.8** Off-premises sales are permitted where an existing business is carried on from a fixed premise in the District and the business wishes to independently carry on for a temporary period of time from a commercial premise or on municipal property, as per Section 10.25.

Term of License and Renewal

- 8.9** A license shall be valid for the year in which it is obtained unless it has been cancelled.
- 8.10** In order to continue to operate a business beyond the term of its license, a licensee must renew the license by paying the applicable license fee. For every license renewal the fee must be paid before January 31st of each and every year that the business activity continues.
- 8.11** License fees that remain unpaid after January 31st will be treated as a new application and the appropriate fees shall apply.

License Fees

- 8.12** A license is not valid until the required license fee payment, as described in the Fees & Charges Bylaw, has been received.

Transfers

- 8.13** Where a business has transferred ownership, upon sale, a Transfer of License Application must be approved by the License Inspector and the appropriate fees described in the Fees & Charges Bylaw paid.

- 8.14** Where a business has transferred location, a Transfer of License Application must be approved by the License Inspector and the appropriate fees described in the Fees & Charges Bylaw paid.

- 8.15** Where only the name of the business has changed (ownership and location remains the same) the fees described in the Fees & Charges Bylaw apply.

Display of License

- 8.16** The license holder or person in charge of the premises wherein the business is practiced, shall at all times keep the Business License prominently displayed in the sales or reception area of the premises to which the public has access, or in an area designated by the License Inspector.

- 8.17** Upon the termination of the business operations by the license holder, the license holder shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector.

9. GENERAL REGULATIONS

Inspections

- 9.1** Without limiting Section 7.2, the License Inspector or a Bylaw Enforcement Officer may, at reasonable times and in a reasonable manner, enter on or into a property, building, structure, or other premises where business is or appears to be carried on to inspect and determine whether all restrictions, conditions and requirements under this Bylaw or another applicable enactment are being met.

Terms and Conditions by License Inspector

- 9.2** The License Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a license for the purpose of addressing any concern or obstacle to the reasonable operation of the business, including issues of safety, health, nuisance, crime prevention or reduction, security of persons or property, and otherwise for compliance with this Bylaw or other applicable enactments.

Suspension or Cancellation of License

- 9.3** A business license may be suspended or cancelled for reasonable cause. Without limiting subsection 9.3, any of the following circumstances may constitute reasonable cause:

- (a) the holder fails to comply with a term or condition of the license;
- (b) the holder is convicted of an offence indictable in Canada;
- (c) the holder is convicted of an offence under an Act or municipal bylaw in respect of the business for which the holder is license or with respect to the premises named in the license;
- (d) the holder is deemed, under this Act or the *Offence Act*, to have pleaded guilty to an offence referred to in section 9.3(c).
- (e) the holder has ceased to comply with a bylaw or has otherwise ceased to meet the lawful requirements to carry on the business for which the holder is licensed or with respect to the premises named in the license;
- (f) in the opinion of the Council, the holder has engaged in misconduct that warrants the suspension or cancellation of the license, if the misconduct is:
 - i. in respect of the business
 - ii. in or with respect to the premises named in the license, or
 - iii. in respect of that business or another business, or in or with respect to the premises of that business or other business, carried on by the holder inside or outside the municipality.

- 9.4** The suspension of a license by the License Inspector shall be made by notice in writing signed by the License Inspector and served on the person holding such license or delivered to the holder of such license by registered mail to the address given by the Licensee on the application for license.

- 9.5** Any person whose license has been suspended under section 9.3 may appeal to the District Council, and upon appeal, the Council may confirm or may set aside the suspension on such terms as Council may think fit.
- 9.6** The License Inspector is authorized to grant a license if, in his or her opinion he or she is satisfied that the applicant has complied with the requirements of the bylaws of the District regulating building, zoning, health, sanitation and business. In cases where the License Inspector is not satisfied that the applicant has complied with the requirements of the aforementioned bylaws, the License Inspector may refuse to grant a license.
- 9.7** Notwithstanding anything contained in this bylaw, District Council may, on the affirmative vote of at least two-thirds (2/3) of its members, refuse in any particular case to grant the request of an applicant for new or renewed Business License; however, the granting or renewal of a license must not be unreasonably refused.

10. SPECIFIC BUSINESS REGULATIONS

Carnivals and Circuses

- 10.1** No Business License shall be issued for a *Carnival* or *Circus* until the applicant provides to the District of 100 Mile House, proof satisfactory to the License Inspector of a commercial general liability insurance that:
- (a) has limits of not less than \$5,000,000 per occurrence;
 - (b) includes the District named as additional insured;
 - (c) the licensee shall hold the District harmless against claims, actions for injury, property damage, loss or death arising out of or resulting from the operation of a business;
 - (d) contains a cross-liability clause;
 - (e) provides that the insurer will give the District at least 30 days prior written notice of cancellation of, or material alteration to, the policy.

Transportation Service

- 10.2** Every business carrying the license for a taxi/shuttle/limousine must provide the District of 100 Mile House with a valid copy of a British Columbia Drivers License.

- 10.3** No business shall operate or permit to operate, in the District of 100 Mile House, a commercial passenger vehicle unless licensed under the provisions of the British Columbia Passenger Transportation Act.

Second-Hand Dealers and Pawnbrokers

- 10.4** Every Second-Hand Dealer and Pawnbroker shall keep a register and shall clearly record in that register the following information on each item at the time the item is received:

- (a) a reference number unique to the item;
- (b) the make, model, serial number and description of the item;
- (c) the amount paid for the item;
- (d) the time and date of receipt of the item;
- (e) the full name, residential or business address and full description of the person from whom such articles, goods or things were purchased or received, along with the number and expiration date from one of the following picture identifications: a passport, a driver's license, or a British Columbia Identification (BC ID) card;
- (f) the full signature of the person from whom the articles, goods or things were purchased or received; and
- (g) the make, model and Provincial License Plate of the motor vehicle used by the person from whom such articles, goods, or things were purchased or received, for the purpose of delivering the articles, goods or things.

- 10.5** The register shall be the permanent record and the operator responsible shall ensure that it is not destroyed, defaced or mutilated. No entry which has been made shall be erased or obliterated. The register shall be open to inspection by members of the RCMP Detachment and by the District Bylaw Enforcement Officer at all times during business hours.

- 10.6** Every operator shall forthwith upon demand being made by any member of the RCMP Detachment provide, during business hours any and every article requested which has been received or acquired by the business.

- 10.7** No operator shall alter, sell, exchange or otherwise dispose of any item which has been received or acquired by the business within seven (7) days of receipt or acquisition.

- 10.8** No operator shall allow any item to be removed from the premises within seven (7) days of the date of receipt or acquisition, unless such item is removed by a member of the RCMP Detachment.

- 10.9** Every operator under this category, or their employee or agent, shall on the Saturday of each and every business week, compile and sign a true and accurate report of all articles received or acquired during such business week. Such report shall be delivered, in the form required by the License Inspector, to the Non-Commissioned Officer of the 100 Mile House RCMP Detachment by 10:00 a.m. of the 1st business day of the following week.
- 10.10** Every operator under this category shall ensure that his premises are maintained in an orderly and safe condition, and shall ensure that no part of the premises are unsightly.
- 10.11** This section of the bylaw does not apply to operators of second-hand art and book shops, second-hand clothing stores and not for profit thrift stores.

Mobile/Street Vendor

- 10.12** Every business carrying a license for mobile/street vendor shall only operate on private property with written permission of the owner/tenant, a copy of which is to be kept on file at the District, and upon approval of Council, any municipal owned designated property.
- 10.13** Every person who sells from a vehicle shall provide registration for the vehicle and provide valid Personal Identification.
- 10.14** Every business shall obtain five million (\$5,000,000) liability insurance inclusive of limits covering bodily injury, death and property damage including the loss of use of such property, showing the District of 100 Mile House as a coinsured party and a copy of which is to be kept on file at the District.
- 10.15** Every mobile/street vendor who sells any commodity by its weight, shall have available and use a weigh scale capable of accurately weighing any such commodity.
- 10.16** A Health Permit is required for the selling/preparing/serving of food or beverages.
- 10.17** Must always display business license within the motorized or non-motorized vehicle/cart.
- 10.18** Every mobile/street vendor shall ensure that the business does not obstruct the free movement of pedestrians and traffic, as applicable.

10.19 Every mobile/street vendor shall ensure that any and all litter, refuse or garbage generated by the business be disposed of appropriately, and that the space is maintained and left in a safe, clean and sanitary condition.

Off-Premises Sales

10.20 Off-premises sales are permitted subject to the conditions outlined in the bylaw.

10.21 Off-premises sales are permitted only in areas designated and zoned commercial in the Zoning Bylaw.

10.22 Off-premises sales are restricted to a maximum of three (3) days per event.

10.23 If the off-premises sales are held on privately-owned property, written permission of the property owner and tenant or such other person duly authorized to give such permission should be obtained and a copy shall be provided to the District of 100 Mile House prior to the event.

10.24 Where an existing business is carried on from a fixed premise in the District and the business wishes to independently carry on for a temporary period of time from a commercial premise or on municipal property, the fees described in the Fees & Charges Bylaw will apply:

10.25 A business may only operate on municipal property with written approval from the District of 100 Mile House. Any person or business, seeking a license to conduct business on municipal property, must obtain liability insurance in the amount of Five Million Dollars (\$5,000,000.00) for personal injury, death and property damage, as well as (if applicable), vehicle insurance. The liability insurance must contain a clause indemnifying the District from liability in the event of injury or damage being done to any person or property as a result of any activity of the business, and contain a clause that the insurance cannot be terminated without a thirty day notification of such to the District of 100 Mile House. Proof of such insurance must be submitted to the satisfaction of the Director of Financial Administration or License Inspector prior to the granting of a license.

10.26 Applications that are refused by the License Inspector will be forwarded to Council for reconsideration if written request is received in the Municipal Office within ten (10) days of refusal of the license.

Farmer's Market

- 10.27** Every Farmers' Market applicant must obtain a license that shall cover ALL the vendors participating in the market inclusive of mobile concessions and prior to allowing the sale of any goods, be able to provide evidence that all vendors intending to sell food products have complied with any conditions, restrictions or requirements of the District and the Medical Health Officer.
- 10.28** Every Farmers' Market must not operate on District lands or premises until the Farmers' Market applicant has obtained permission from Council and has provided a certificate of insurance that includes vendors' product liability, in a form and on terms acceptable to the District naming the District as an additional insured.
- 10.29** Each location is deemed to be a separate market and a license will be required for each market location.

Special Events

- 10.30** A business entity must complete the "*Business License Application for Special Events*" to obtain a valid business license for the location where a special event is to be held or conducted, except in the case where the location is occupied by a not-for-profit entity which is not required to hold a business license for the location.
- 10.31** At multi-vendor events,
- (a) The primary organization for the event is required to attain a business license;
 - (b) A business license is not required if the organizer is a not-for profit entity which continuously and legally occupies the location, whether or not they are required to hold a valid business license for that location;
 - (c) Vendors are not required to attain a business license, however it is the responsibility of the primary organization to ensure that each vendor has attained appropriate health inspections, liability insurance, etc.
- 10.32** The License Inspector may waive the license fee for a special event where the organizer is a not-for-profit organization and the purpose of the event is to raise funds for charitable purposes.

Cannabis Retail Store License Regulations

- 10.33** A requirement of this bylaw pertaining to Cannabis Retail Stores does not abrogate the applicant of any other requirements contained herein that are generally applicable to all businesses.
- 10.34** A business license for Cannabis Retail Store is required whether the Cannabis store operates for profit or not for profit basis.
- 10.35** A business license will only be issued once an “approval in principle” is received from the Province and the District has provided a favorable resolution to the LCRB. The business license will be issued on the condition that the LCRB provides final approval.
- 10.36** The *Cannabis Control and Licensing Act* defines regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. and it is the responsibility of the licensee to be aware of and to operate in compliance with these rules.
- 10.37** Licensees are also responsible for knowing and complying with any Federal, Local Government and/or Indigenous Nation laws, bylaws and requirements.
- 10.38** A Cannabis Retail Store must not:
- (a) advertise or promote the use of cannabis to a person under the age of 19;
 - (b) allow a person to smoke, vape, consume or otherwise ingest Cannabis or products containing Cannabis on the premises;
 - (c) display signage that is in contravention of Provincial and Federal legislation and the District’s Sign Regulation Bylaw including all amendments and replacements thereto;
 - (d) place any sandwich board signs outside the premises;
 - (e) operate the cannabis retail store between the hours of 9 pm and 9 am daily
- 10.39** A Cannabis Retail Store must:
- (a) use the front door for public access to the retail storefront;
 - (b) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - (c) install a security and fire alarm system;

- (d) not allow Cannabis to remain on the premises when the business is not open to the public, unless the Cannabis is securely stored on the premises in a locked cannabis storage room & display cases.
- (e) ensure that no odour is detectible from public property, neighboring properties, or other premises within the same building;
- (f) not use the premise to carry on business other than the Cannabis Retail Store;
- (g) ensure that windows on street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
- (h) ensure the cannabis and cannabis accessories are not visible from outside the store.

10.40 A Cannabis Retail Store must promptly bring to the attention of the License Inspector:

- (a) the name of any new on-site manager, officer, director or shareholder of the licensee;
- (b) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee.

10.41 A Cannabis Retail Store must promptly provide the License Inspector a current police information check for any now on-site manager, officer, director or shareholder of the licensee.

10.42 Any person making application for a Cannabis Retail Store license shall at the time of making such application,, in addition to the general requirements under this Bylaw, must;

- (a) hold a valid license issued by the Province to sell cannabis and be in compliance with all conditions and requirements of said license;
- (b) provide any other documents required by the License Inspector.

Cannabis Production

10.43 The *Cannabis Act* defines regulations and terms and conditions that relate to cannabis production in Canada and it is the responsibility of the licensee to be aware of and to operate in compliance with these rules.

10.44 Licensees are also responsible for knowing and complying with any Provincial, Local Government and/or Indigenous Nation laws, bylaws and requirements.

10.45 A license holder for a business which is Cannabis Production must do the following:

- (a) install and maintain an air-filtration system on the premises that prevents odour from seeping outside the facility and prevents odour from being detected beyond the property where the facility is located.

11. ENFORCEMENT, CONTRAVENTION AND PENALTY

Enforcement

11.1 This Bylaw may be enforced by a Bylaw Enforcement Officer or a person duly appointed as the License Inspector and may be enforced:

- (a) by means of a ticket issued under the MTI Bylaw No.1340, 2019
- (b) by way of proceeding brought under the *Offence Act*

Contravention

11.2 Any person who fails to comply with the regulations within this Bylaw, or who violates any provision of this bylaw, is guilty of an offence.

11.3 Where the offence is a continuing one, each day that the offence continues shall constitute a separate offence.

Penalty

11.4 Upon being convicted of an offence under this Bylaw, a person shall be liable:

- (a) if issued a ticket, to pay a fine imposed under the MTI Bylaw No.1340, 2019
- (b) if a proceeding is brought under the *Offence Act*, to pay the fine imposed and any further amounts that may be ordered by the court under the *Community Charter* or the *Offence Act*.

READ A FIRST, SECOND AND THIRD time this 12th day of September, 2023.

ADOPTED this 10th day of October 2023.

Mayor

Corporate Officer

SCHEDULE "A"
DEFINITIONS

In this Bylaw:

- Amusement Machines** means machines or surfaces on which mechanical, electrical, automatic or computerized games or contests are placed for amusement or entertainment, and for which a coin or token is required or a fee is charged for use. Without restricting the generality of the foregoing, Amusement Machines include video machines, pinball machines, pool and billiard tables;
- Cannabis** means cannabis as defined in the *Controlled Drugs and Substances Act* or *Cannabis Act*, and includes any products containing cannabis.
- Cannabis production** means the premises where cannabis and cannabis derivatives (whether medical or non-medical) are lawfully cultivated, propagated, harvested, researched, tested, produced, store, manufactures, prepared, packaged, distributed, destroyed, transported, shipped, or delivered, but does not include retail cannabis sales or the cultivation of cannabis by an individual for personal use and consumption.
- Cannabis retail sales** means the sale of cannabis or cannabis accessories as lawfully permitted and authorized under the Provincial Cannabis Control and Licensing Act to retail consumers for consumption off site.
- Carnival** means a business having any mechanical riding device, games of chance or skill, midways or similar attractions;
- Circus** means the exhibiting of a public circus menagerie, hippodrome, horse show or pony show;
- Farmers Market** means persons carrying on a business in an outdoor or enclosed market, made up multiple vendors, for the sale of farm and garden produce and handicrafts produced by full-time residents of the area;

Mobile/Street Vendor	means the business of selling or offering for sale goods or services primarily from a motor vehicle, trailer, cart or other mobile device;
MTI Bylaw	means the District of 100 Mile House Municipal Ticket Information Bylaw No.1340, 2019, and as amended from time to time or superceded;
Pawnbroker	means every person who carries on the business of taking goods or chattels in pawn, whether or not the provisions of the <i>Pawnbrokers Act</i> apply to him;
Personal Photo Identification	means any of the following that is current and valid and includes a photograph of the person it identifies: (a) a driver's license issued by a Canadian province or territory; (b) a provincial identity card; (c) a passport issued by the government of Canada or another state recognized by the government of Canada; (d) a certificate of Canadian citizenship or landed immigrant status issued by the government of Canada; or (e) a certificate of Indian status issued by the government of Canada;
Second-Hand Dealer	means and includes every person who is in the business of purchasing, receiving, taking on consignment, holding, offering for sale or trade, selling, exchanging or otherwise dealing with used or second-hand property of any kind whatsoever;
Special Events	means a business type involving short term or temporary events, performances, concerts, exhibitions, entertainment or concession which includes but is not limited to retail sale, auction, Trade show, flea market or craft fair.
Trade Show	means a type of Special Event involving organizing a group of more than five (5) merchants to gather in one location or building to offer or promote sales, such as the sale of goods, wares, merchandise, services, products or concepts.