

DISTRICT OF INVERMERE

BYLAW NO. 1550, 2018

A bylaw to authorize the issuance of Business Licenses, and to regulate businesses within the boundaries of the District of Invermere

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

AND WHEREAS the Council deems it desirable to authorize the issuance of Business Licenses and to regulate businesses;

NOW THEREFORE the Council of the District of Invermere, in open meeting assembled, enacts as follows:

1. INTERPRETATION

- 1.1 Any enactment referred to herein is a reference 1.1. to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time and any Bylaw referred to herein is a reference to an enactment of the Council of the District of Invermere as amended, revised, consolidated or replaced from time to time.
- 1.2. Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning as defined in the *Local Government Act, Community Charter, Interpretation Act* or any successor legislation when used in this bylaw.
- 1.3. The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

2. DEFINITIONS

“Applicant” means any person who makes an application for a Business License under the provisions of the bylaw.

“Body-Rub Parlor” includes any premises or part thereof where body-rub services are performed, offered or solicited and includes the manipulating, touching or stimulating by any means, of a person’s body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or therapeutic touch technique.

“Body-Painting Studio” includes any premises or part thereof where directly or indirectly a fee is paid for any activity including the application of paint, powder, or similar materials to the body of another person.

“Business” means the:

- (a) carrying on of a commercial or industrial undertaking of any kind;
- (b) providing professional, personal or other services for the purpose of gain or profit;
- (c) carrying on a home occupation pursuant to the bylaws of the District of Invermere; or
- (d) operating a non-profit society or organization.

“Business License” means a license or permit, issued by the municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that municipality.

“Dating Service” means any persons carrying on the business of providing information to persons, not employed by the Dating Service, desirous of meeting other persons for the purpose of social outings.

“District” means the organization of the District of Invermere or the area within the municipal boundaries as the context may require.

“License Inspector” includes every Building Inspector, Fire Inspector, Bylaw Enforcement Officer, staff-person designated to manage business licensing and the Chief Administrative Officer and their designate.

“Licensee” means a person who has received a District of Invermere Business License.

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

“Pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn.

“Retail Sale of Cannabis” means the use of a site for the sale or distribution of *cannabis*, including for medical purposes in any form, including a *medical cannabis dispensary*, but excludes a *medical cannabis production facility*.

“Secondhand dealer” or “dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, furniture, costume jewellery, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- (b) used clothing, furniture, costume jewellery, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the *Income Tax Act* (Canada) or by donation; or
- (c) used books, papers, magazines, vinyl records, or long-playing records (LP’s).

“Social Escort Service” includes any person carrying on the business of providing or furnishing male or female escorts for social occasions.

“Trade Show” means the business of organizing a group of merchants, suppliers, tradespeople or professionals together as a group in one location or building for a period of up to fourteen (14) days to display and offer their products or services for sale and includes Flea Markets.

3. LICENSE REQUIREMENTS

3.1. Except as otherwise permitted in the *Community Charter*:

- (a) A person will not carry on business in the District without first having obtained and paid for a municipal Business License.
- (b) A person who owns or operates any business within the District must apply for, obtain and hold a license for each business.
- (c) A person who carries on business from more than one premise in the District must obtain a separate license for each premise.

4. LICENSE FEE

A person who applies for a license must pay the applicable 4.1. license fee as set out in Schedule A of this bylaw, as amended from time to time.

5. POWERS

- 5.1. The License Inspector may grant a Business License upon being satisfied that the Applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation, water, life safety, nuisance, and business.
- 5.2. The License Inspector may suspend any Business License for the period decided by the License Inspector if the Licensee:
 - (a) is convicted of an offense indictable in Canada;
 - (b) commits an offense under any District 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 Business License;
 - (c) fails to meet any health, safety, or other requirement as established by the District, the Health Authority, the Province of British Columbia, or the Government of Canada;
 - (d) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the Business License that it warrants the suspension of the license;
 - (e) 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 Business License; or
 - (f) has, in the opinion of the License 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 nineteen (19) years anything, that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of nineteen (19) years.
- 5.3. A person licensed or seeking to be licensed pursuant to this bylaw must admit entry to the premises for the purpose of inspection by the District or the RCMP and must not in any way hinder or obstruct the inspection and must, on request, supply information relevant to the inspection for the purpose of determining compliance with this bylaw.

6. INSPECTIONS

- 6.1. The License Inspector may enter at all times on any property that is subject to this bylaw to ascertain whether regulations in this bylaw are being observed.

7. INITIAL LICENSE APPLICATIONS

- 7.1. A person must apply for a Business License on the application form prescribed by the District and must be signed by an owner or operator of the business, or the owner or operator's duly authorized agent.
- 7.2. The application for an initial Business License must include a detailed description, including existing and/or proposed floor plans of the premises in or upon which the Applicant intends to carry on business.

- 7.3. The following persons must endorse a Business License application prior to the District issuing a License:
- (a) District Fire Inspector, except for home-based businesses;
 - (b) District Building Inspector, except for home-based businesses;
 - (c) District Bylaw Enforcement Officer, except for and home-based businesses; and
 - (d) The Health Authority and a public health inspector where the business operates in premises serviced private by a sewage disposal system, the business involves the handling of food or drinks, or the business is a personal service establishment as defined by the Province of BC.
- 7.4. If an Applicant applies for more than one Business License the particulars of each license applied for must be included on a separate application form.
- 7.5. Application forms must be delivered to the License Inspector and must be accompanied by the associated fee as set out in the District's Fee bylaw, as amended from time to time.

8. LICENSE PERIODS

- 8.1. Business Licenses will be granted annually for a period commencing January 1 and expiring December 31.

9. LICENSE FORMS

- 9.1. The License Inspector shall prescribe the application forms for the Municipal Business License.

10. DISPLAY OF LICENSE

- 10.1. A licensee must keep a copy of the license posted in a conspicuous place on the premises in respect of which the license is used.
- 10.2. If the licensee has no business premises in the District the license must be carried upon the licensee's person at all times when the licensee is engaged within the District in the business for which the license was issued.

11. EFFECTS OF LICENSE

- 11.1. A Business License authorizes only the person named in the license to carry on only the business described in the license and only at the premises or locations described in the license.
- 11.2. A Business License is not a representation or warranty that the licensed business or the business premises comply with District bylaws or with any other regulations or standards.

12. LICENSE RENEWAL

- 12.1. The License Inspector will forward an annual business license invoice to every licensee at the address listed on the existing license.
- 12.2. The licensee will be responsible for maintaining a business license for each current period.

- 12.3. Prior to issuing a Business license renewal, the persons listed in Section 7.3 (a) through (d) must endorse the application for renewal.
- 12.4. Prior to issuing a Business License renewal, applicable fees as set out in the District's Fees Bylaw, as amended from time to time, must be paid prior to January 31 in each the license year.
- 12.5. If the Licensee does not renew their Business License as required by this bylaw, the License Inspector may cancel the license.
- 12.6. The receipt of a Business License will serve as a confirmation that the license has been renewed.

13. LICENSE TRANSFERS - NEW PREMISES

- 13.1. A person will not carry on a business upon any premises other than those described in the initial license application without making an application for a new license or for a transfer of the original license to a new premises.
- 13.2. Applications for the transfer of a business license with respect to a change of premises shall be made on the form prescribed by the License Inspector.

14. LICENSE TRANSFERS - PERSON TO PERSON

- 14.1. Any person who acquires a business or a controlling interest in any business from any person licensed under this bylaw must not carry on such business without first having obtained approval for a transfer of the license – person to person.
- 14.2. Any person proposing to obtain a transfer of a license held by any other person is required to make application on the form prescribed by the License Inspector. The powers, conditions, requirements and procedures, relating to the initial license application apply.

15. TRANSFER FEES

- 15.1. Fees payable in respect of any transfer of a license are set out in Schedule "A" of this bylaw, as amended from time to time.
- 15.2. A business license is not required for the provision of daycare or babysitting services for up to two unrelated children, or to the children of one family, by a person who is not related to those children.

16. MOBILE VENDORS

- 16.1. Mobile Vendors must operate in accordance with the following provisions:
 - (a) Mobile Vendors must obtain the necessary licensing and permit(s) from the District, the Regional Health Authority and other relevant or applicable licensing or regulatory agency approvals prior to conducting any business operation;
 - (b) All required permits and licenses must be displayed on-site during business operation;
 - (c) Mobile Vendors are responsible for all garbage and recycling associated with the business and ensuring the area is free of litter;
 - (d) When the hours of operation terminate, recycling and garbage containers must be removed from the premises;

- (e) Where a Mobile Vendor is catering to or delivering to a residential site, business or construction site, they must not park or stop on the travelled portion of a highway or road right of way, must not be stopped at one location longer than is necessary to serve customers, and at no time may the vendor remain stopped for longer than twenty (20) minutes at any one location, unless prior approval has been provided by the District through the Mobile Vendor Application; and
- (f) Mobile Vendors must not carry on business within 50 metres of a licensed business within a property tax-applicable structure offering similar goods, unless they receive, and provide to the District, prior written permission from the registered owner of said business.

16.2. In addition to the conditions set out in section 16.1, Mobile Vendors on private land must also adhere to the following requirements:

- (a) Provide a letter of permission to the District from the property owner permitting the Mobile Vendor to operate on the proposed site; and
- (b) Provide a detailed site plan showing the proposed location of the Mobile Vendor on the proposed site, which may be reviewed and approved at the discretion of the License Inspector.

16.3. In addition to the conditions set out in section 16.1 and 16.2, Mobile Vendors on District land must also meet the following requirements:

- (a) Complete and submit a Mobile Vendor Application, as amended from time to time, for consideration by the District;
- (b) The approved permit area will be granted in consideration of public safety, traffic, and competing, property-tax paying businesses;
- (c) Mobile Vendors must be self-contained, portable and removed from the permit area each night;
- (d) Mobile Vendors must operate only on hours scheduled within the permit;
- (e) At any time, the District has the right to require a Mobile Vendor to vacate or relocate from the designated permit area;
- (f) No Mobile Vendors will be allowed to operate in any park when District concessions are operating unless invited to do so by the group hosting the event.

16.4. In addition to the other regulations as set out by the District in this bylaw, a Mobile Vendor serving or operating from a motor vehicle must adhere to the following requirements:

- (a) Mobile Vendors operating from or requiring a motor vehicle to transport mobile unit must obtain Motor Vehicle Liability Insurance with a minimum coverage of five million dollars (\$5,000,000);
- (b) Mobile Vendors are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Invermere saved harmless and named "additionally insured";
- (c) Proof of the required insurance must be provided to the District prior to the issuance of the license.

17. SOCIAL ESCORT SERVICES, DATING SERVICES, BODY-RUB PARLOUR/BODY-PAINTING STUDIO

17.1. Every person or individual carrying on the business of operating a Social Escort Service, Dating Service, Body-Rub Parlor or Body-Painting Studio must:

- (a) Supply the License Inspector and the Columbia Valley Royal Canadian Mounted Police with the name, age, address, photo identification and description of every individual proposed to be employed or engaged in the said business together with such additional information as the License Inspector or RCMP may require;
- (b) Notify the License Inspector within seventy-two hours of any change in personnel employed or engaged in the business;
- (c) Not employ any person on the licensed premises unless such person is eighteen (18) years of age or older;
- (d) Not permit any person to be on the licensed premises at any time unless such person is eighteen (18) years of age or older.

18. PAWN BROKER/SECOND HAND DEALER

18.1. A person carrying on the business of or operating as a pawn broker or second-hand dealer must:

- (a) Disclose to the License Inspector the names, addresses, and photo identification of all persons who will be actively engaged in the management and operation of the business;
- (b) Notify the License Inspector within seventy-two hours of any change in the personnel; and
- (c) Provide the Columbia Valley RCMP with a copy of the Business License application respecting the pawn broker or second-hand dealer's business.

18.2. A person must not purchase or receive pawn goods or chattels, unless the person depositing the goods or chattels is:

- (a) Eighteen years of age or older;
- (b) not under the influence of alcohol or drugs; and
- (c) able to produce valid, photographic identification.

18.3. A person licensed as a pawn broker or second-hand dealer must deliver a statement of all goods and chattels purchased or received by the licensee during the previous week to the Columbia Valley RCMP prior to 9:30 a.m. on the Monday of each week. Statements will not be required on public holidays but must be submitted on the following business day and disclose the whole period subsequent to 9:30 a.m. of the day on which the preceding statement was made. Statements shall be submitted on a form acceptable to the License Inspector and shall include the following information:

- (a) A description including any descriptive mark, name, and serial number of the goods and chattels;
- (b) the price paid and whether the item was deposited in pawn or purchased;
- (c) the date and time of purchasing or receiving the goods and chattels;
- (d) the name, date of birth, address and contact telephone number of the person depositing the goods and chattels and, if available, a copy of any photographic identification produced;

- (e) if available, the make, description and license number of any vehicle used by the person depositing the goods and chattels;
- (f) the name of the employee or licensee receiving the goods and chattels; and
- (g) in the case of jewellery, the description of the type, colour, style of jewellery and apparent type of gem, as well as a photograph of the item.

- 18.4. A Licensee will not permit any entry made in the record of goods to be erased, obliterated or defaced in any way or removed from the premises, except upon the request of the Royal Canadian Mounted Police and the License Inspector.
- 18.5. A Licensee will not alter, sell, exchange or otherwise dispose of goods or chattels deposited with or delivered to the licensee until after the expiration of seven (7) clear days, exclusive of Sundays and holidays, provided that the licensee may, upon request, return goods or chattels to the person who originally deposited them with the Licensee.
- 18.6. The Licensee must keep newly received goods and chattels segregated for one week from other goods and chattels located on the premises to allow inspection at any time during regular hours by the Royal Canadian Mounted Police.

19. TRADE SHOWS

- 19.1. A License for a Trade Show will be considered to cover all vendors within the Trade Show.
- 19.2. Trade Shows will be limited to operating three (3) days per week at the specific premises.
- 19.3. The license for a Trade Show will be considered to cover all vendors within the show for a period not exceeding fourteen (14) days.
- 19.4. Trade Shows are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Invermere saved harmless and named "additionally insured";
- 19.5. Proof of the required insurance must be provided to the District prior to the issuance of the license.

20. GARAGE/YARD SALES

- 20.1. A person holding a garage/yard sale at a residential premise is not required to obtain a Business License, provided that a person does not hold more than five (5) sale days per year.

21. RENTAL/LEASE OF WATERCRAFT

- 21.1. Operators of premises which rent, or lease water craft must include the following in their rental/lease agreements with their patrons:
- (a) That the hours of operation for watercraft rentals be limited to the hours between 9:00 a.m. and 9:00 p.m.;
 - (b) That the operators of the watercraft while on plane or overtaking keep their watercraft at least forty-five (45) metres away from all other watercraft that are on the water; if the watercraft is not on full plane, it can come up to other boats;
 - (c) The business agent must require that rented watercraft 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; and
 - (d) That the name of the renter and the unit number of the watercraft which is being rented is recorded.
- 21.2. In addition to requiring that all renters have a valid license to operate the watercraft the business agent must provide the persons renting such watercraft basic operating, water safety rules and instructions on the use and operation of the personal watercraft, prior to allowing that person to operate such personal watercraft.
- 21.3. Operators of premises which rent. water craft must ensure that the watercraft are permanently marked with a minimum of three (3) inch high letters or numbers which identify the name of the rental operator and the unit number of the watercraft.
- 21.4. Operators of premises which rent watercraft must patrol the areas in which their rented watercraft are operated, in order to enforce compliance with the requirements of this bylaw.

22. RETAIL CANNABIS AND GROW OPERATIONS

- 22.1. Operators of retail cannabis and grow operations, including those operated by non-profit societies, will not be permitted to locate within a one hundred (100) metre radius from the nearest property line of an existing school.
- 22.2. Operators of cannabis dispensaries and grow operations, including those operated by non-profit societies, may only operate if also permitted by the Federal, Provincial, and Municipal governments.

23. VIOLATIONS AND PENALTIES

- 23.1. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 23.2. Any person who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Five Thousand Dollars (\$5,000.00) plus the cost of prosecution.
- 23.3. Each day that the violation continues to exist shall constitute a separate offence.

24. APPEAL PROCEDURES

24.1. A person whose license has been suspended under this bylaw may appeal to Council and upon such appeal the License Inspector may confirm or set aside such suspension on such terms as deemed reasonable.

25. REPEALS

25.1. Business Licensing Bylaw 1326, 2007 and all of its amendments thereto are hereby repealed in their entirety.

26. CITATION

26.1. This bylaw may be cited as the "Business Licensing Bylaw 1550, 2018".

READ A FIRST TIME this 9th day of October, 2018.

READ A SECOND TIME this 9th day of October, 2018.

READ A THIRD TIME this 9th day of October, 2018 .

ADVERTISED in the December 20, 2018, December 27, 2018 and January 3, 2019 editions of Columbia Valley Pioneer and posted pursuant to section 59(3) of the *Community Charter*.

ADOPTED this 8th day of January 2019.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Certified a true copy of Bylaw No.
this _____ day of _____, _____.

Corporate Officer

Schedule A

Business Licensing Bylaw No. 1550, 2018

A. NEW BUSINESS LICENSE APPLICATION FEE:

1. **The initial application fee for a Business License shall be \$150.00.** This covers any inspections that may be required and administrative time to process a new Business License. This initial Business License fee shall be reduced to **\$75.00** for any applications received after September 1st.
2. **Business License fee for Cannabis Dispensaries or grow operations shall be \$1,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
3. **Business License fee for Mobile Vendors shall be \$500.00.** This covers any inspections that may be required and administrative time to process a new Business License.
4. **Business License fee for Rental/Lease of Watercraft (when using Public access Points) shall be \$1,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
5. **Business License fee for Pawn Brokers/Second Hand Dealers shall be \$2,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.
6. **Business License fee for Social Escort Services, Dating Services, Body Rub Parlor Body Painting Studio shall be \$5,000.00.** This covers any inspections that may be required and administrative time to process a new Business License.

B. RENEWAL FEES:

All fees are for a one-year license period unless otherwise stated and are for a renewal of an existing Business License.

- | | |
|--|-------------|
| 1. All Businesses except those listed below: | \$125.00 |
| a. Carnival, Circuses, and similar commercial events | \$75.00/day |
| b. Mobile Vendor | \$300.00 |
| c. Multi-operations (combination business) | \$125.00 |
| d. Cannabis Dispensaries or grow operations | \$500.00 |
| e. Rental/Lease of Watercraft (when using Public access Points) | \$1,000.00 |
| f. Trade Shows | \$125.00 |
| g. Pawn Brokers/Second Hand Dealers | \$1,000.00 |
| h. Social Escort Services, Dating Services Body Rub Parlor
Body Painting Studio | \$5,000.00 |

C. TRANSFER FEES:

- | | |
|--|---------|
| Business License Transfer Fee (change of locations only) | \$75.00 |
| Business License Administrative Transfer Fee (all other changes) | \$20.00 |



Business Licence Application
District of Invermere
914 8th Avenue, PO Box 339
Invermere, BC V0A 1K0
t: 250-342-9281 f: 250-342-2934

BUSINESS LICENCE NO: _____

BUSINESS INFORMATION *Please print clearly*

NEW CHANGE CANCEL

Business Trade Name:

Contact Person: Phone #: _____

Email: _____

Location Address: Prov: Postal:

BUSINESS DESCRIPTION

Description of

Business: _____

Previous Business at this location:

OWNER INFORMATION

Owner Name(s):

Mailing Address: City:

BUSINESS SURVEY (PLEASE INCLUDE ANY ADDITIONAL COMMENTS ON A SEPARATE SHEET AND ATTACH)

On a scale from 1-10, how do you rate the current state of business in the community?

(1=Poor & 10=Excellent)

How many people does your business employ full time?

How many people does your business employ part time?

Do you plan to exit the business in the next 5 years? No Yes

If yes, why?

Does your business face any major barriers to growth and success?

If yes, please explain on the line below:

No Yes

DECLARATION:

I, (We) _____ hereby make application for a license in accordance with the particulars as above stated and declare that the above statement is true and correct. I undertake that if granted the license applied for, I will comply with each and every obligation contained in all the Laws and Bylaws now in force or which may hereafter come into force in the District of Invermere (including but not limited to the Business Licensing Bylaw, Fees Bylaw, Zoning Bylaw, and Building Bylaw). All parking will be contained on the property associated with the business. If this application involves the use of premises for business purposes that the premises may not be occupied until they have been inspected by the authorities concerned and a license issued. I also understand, the payment of the Business License fee in advance does not guarantee approval. I understand that information gathered through this application process is governed and routinely releasable through the Freedom of Information Protection of Privacy Act.

Signature of Applicant: _____

Name (print): _____

<input type="checkbox"/> Transfer Fee (location or ownership) \$ _____ <input type="checkbox"/> Non-Profit Societies (excluding Cannabis Dispensaries & Grow Operations) \$ _____ <input type="checkbox"/> Cannabis Dispensaries and/or Grow Operations \$ _____ <input type="checkbox"/> Mobile Vendor operating on public property (Mobile Vendor Application Required) \$ _____

Date: _____

OFFICE USE ONLY		Street Address: _____	
ROLL # _____		ZONING DESIGNATION: _____	
<input type="checkbox"/> Storefront Business		<input type="checkbox"/> Home Occupation	
<input type="checkbox"/> Non Resident Business		<input type="checkbox"/> Agri-tourism	
APPROVALS REQUIRED	NAME	COMMENTS	DATE
<input type="checkbox"/> Planning Dept			
<input type="checkbox"/> Fire Inspector			
<input type="checkbox"/> Bylaw Enforcement			
<input type="checkbox"/> Building Inspector			
<input type="checkbox"/> CAO			
CONDITIONS:			

APPROVAL SIGNATURE: _____ **DATE:** _____