

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1555

A bylaw to provide for the Licensing and Regulation of Business.

WHEREAS the Regional District of Central Okanagan has adopted the Extended Service of Licensing and Regulating Business in Central Okanagan West Electoral Area and Central Okanagan East Electoral Area;

AND WHEREAS the Regional District of Central Okanagan wishes to regulate and License Businesses.

NOW THEREFORE THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN, IN OPEN MEETING ASSEMBLED, ENACTS AS FOLLOWS:

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:

'Applicant' means any person who makes application for any License under the provisions of the bylaw.

'Board' means the Board of Directors of the Regional District of Central Okanagan.

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

'Director' means the Director of Development and Engineering Services or their designate.

'District' means the Regional District of Central Okanagan.

'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.

'Initial License' means a License, issued to an Applicant that did not previously hold a valid and subsisting License for the subject Business under this Bylaw. A Business that did not satisfy the requirements for renewal and has reapplied does not qualify for an Initial License and is not eligible for proration.

'Inspector' means the Director of Development and Engineering Services and any person or persons involved in the enforcement and administration of this Bylaw including the Chief Building Inspector, Bylaw Enforcement Officer, Building Inspector, and any Peace Officer.

'License' means a Business License issued by the District to operate a Business under this Bylaw.

'Licensee' means a person who has received a Regional District of Central Okanagan Business License.

'Premises' means any shop, store or other place where the Applicant carries on 'Business'.

'Trade Show' means the Business of organizing a group of merchants, suppliers, trades people or professionals together as a group in one location or building for a period of up to 14 days to display and offer their products or services for sale.

LICENSE REQUIREMENT

2.
 - a) No person shall carry on Business in the District without a License.
 - b) Every person who owns or operates any Business within the District shall apply for, obtain and hold a License for each Business.
 - c) Every person who carries on Business from more than one Premises in the District shall obtain a separate License for each Premises.
3. Notwithstanding Section 2, no License is required for the provision of daycare to not more than two unrelated children, or to the children of one family, by a person who is not related to those children.
4. A License for Flea Markets shall be considered to cover all vendors within the Flea Market. Such Licenses shall be limited to operating one day per week at a specific Premises.
5. Nonprofit organizations sponsoring home craft or bake sales are not required to obtain a License where such events do not exceed twelve (12) days per year.
6. The License for a Trade Show shall be considered to cover all vendors within the show for a period not exceeding fourteen (14) days.

LICENSE FEE

7. Every person who applies for a License shall pay the applicable application intake fee and administrative fee(s) in addition to the annual License fee prescribed in Schedule 'A' to this Bylaw, provided that:
 - a) No refund of an annual License fee shall be made on account of person ceasing to do Business. 50% of the application intake shall be refunded to the Applicant only if the License application is withdrawn prior to the issuance of the License or if issuance of the License is refused.
 - b) For Initial Licenses, the annual License fee as prescribed in Schedule 'A' shall be reduced by one-half, in respect of a License issued after June 30th of the calendar year.

POWERS

8. The Director may issue the Initial License when:
 - a) The License is for a use which is allowed by a land use bylaw, by nonconformity provisions, or by a temporary commercial or industrial permit for the proposed location, and;
 - b) Where the Business is a Premise, the Premise is acceptable for such use in accordance with the bylaws and policies of the Regional District of Central Okanagan.

9. The Director may suspend any License for the period decided by the Director if the Licensee:
 - a) Is convicted of an offense indictable in Canada;
 - b) Is convicted of an offence under any 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 License;
 - c) Has, in the opinion of the Director, been guilty of such gross misconduct in respect of the Business or with respect to the Premises named in the License that it warrants the suspension of the License;
 - 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 License; or
 - e) Has, in the opinion of the Director, 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.
10. An Applicant or Licensee who wishes the Director to reconsider the Inspector's decision to refuse, suspend, or cancel a license must, within ten (10) business days of the date of the refusal, suspension, or cancellation, deliver to the Director a written request stating the ground upon which the request is based.
11. If the Director elects to uphold the Inspector's decision to refuse, suspend, cancel, or place conditions on the Licensee, the Director will provide the Licensee with written notice of the Director's decision.
12. An Applicant or Licensee who wishes the Board to reconsider the Director's decision to refuse, suspend, or cancel a license must, within ten (10) business days of the date of the refusal, suspension, or cancellation, deliver to the Corporate Officer of the District a written request stating the ground upon which the request is based.
13. The Corporate Officer must refer a request made under Section 12 to a regular or special Board meeting and notify the Licensee of the time and place at which the Board will reconsider the decision of the Director.
14. If the Board elects to uphold the Director's decision to refuse, suspend, cancel, or place conditions on the Licensee, the Corporate Officer will provide the Licensee with written notice of Board's decision, and the Licensee must comply with any terms, restrictions, and requirements imposed by the Board.

INSPECTIONS

15. The Director, every Inspector, and District Bylaw Enforcement Officer may enter at all reasonable times on any property that is subject to this Bylaw to ascertain whether the regulations in this Bylaw are being observed. The Applicant shall pay the applicable fee(s) prescribed in Schedule '1' of the RDCO Development Application Fees and Charges Bylaw No.1483.

INITIAL LICENSE APPLICATIONS

16. An application for a License shall be made on the form provided by the Regional District of Central Okanagan and shall include:
 - a) The name, address and telephone number of the owner;
 - b) A complete description of the Business; proposed Business Premises; square meters of the proposed Business Premises, including a copy of a plan of the space when requested; and number of employees;
 - c) The signature of the owner or operator of the Business;
 - d) Owner authorization from the registered owner of the Business Premise;
 - e) Proof of any certification, License, permit, approval, qualification, documentation or plan that may be required by a federal, provincial, or other authority with respect to the operation of the Business;
 - f) Any additional information the Inspector reasonably requests in order to assist in determining whether the Applicant may be issued a License; and the Initial License application shall not be considered complete until the Inspector has received the requirements above to the Inspector's satisfaction.
17. The granting of a License shall not in any way relieve the Licensee from full responsibility for conducting or operating the Business in accordance with the bylaws of the Regional District or other authorities having jurisdiction.
18. Where an Applicant applies for more than one License, the particulars of each License applied for shall be included on a separate application form.
19. The application form shall be delivered to the Director and shall be accompanied by the fee prescribed in in Schedule 'A' of this Bylaw. A copy of the completed application will be given to the Applicant.

LICENSE PERIODS

20. Licenses shall be granted as annual License for a period commencing each January 1 and expiring each December 31.

LICENSE FORMS

21. Every License shall be in the form provided by the Regional District of Central Okanagan.

DISPLAY OF LICENSE

22. Every Licensee shall keep the Licensee's copy of the License posted in a conspicuous place on the Premises in respect of which the License is issued. Where the Licensee has no Business Premises in the District, the License shall 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.

EFFECT OF LICENSE

23. A 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.

24. A License is not a representation or warranty that the Licensed Business or the Business Premises comply with the bylaws of the District or with any other regulations or standards.

LICENSE RENEWAL

25. The Director will forward an annual Business License invoice to every Licensee at the address listed on the existing License. Notwithstanding this section, the Licensee shall be responsible for maintaining a Business License for each current period.
26. A Licensee who proposes to renew a License shall submit the Business License invoice and annual License Fee to the District by January 1 in the License year.
27. Where a Business continues to operate in the current License year and the annual License fee has not been paid by January 1 of the License year, the late fee specified in Schedule 'A' shall be added to the regular annual License fee.
28. Receipt of a Business License shall serve as a confirmation that the License has been renewed.

LICENSE TRANSFERS

29. Any person proposing to obtain a transfer of a License with respect to a change of Premises shall make application on the form specified.
30. No person shall carry on a Business upon any Premises other than those described in the Initial License application without first making an application under this section for a new License or for a transfer of the original License.
31. Any person who acquires a Business or a controlling interest in any Business from any person Licensed under this Bylaw shall not carry on such Business without first having obtained approval for a transfer of the License.
32. To transfer an existing License to a different owner or Premise, a new application must be completed and filed with the Regional District of Central Okanagan.
33. The fee payable in respect of any transfer of a License for a change of Premises or from one person to another shall be as specified in Schedule A.

PENALTY

34. Any person who violates the provisions of the bylaw may, on summary conviction, be liable to the maximum penalty under British Columbia's *Offense Act*, plus the cost of prosecution, for each offence. The penalties imposed under this section are a supplement and not a substitute for any remedy to an infraction of this Bylaw.

SEVERABILITY

35. If a portion of this Bylaw is held 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 section, subsection, paragraph, subparagraph, clause or phrase.

REPEAL

- 36. Regional District of Central Okanagan Business Licensing and Regulation Bylaw No. 689, and any amendments thereto are hereby repealed.

CITATION

- 37. This Bylaw may be cited as “Regional District of Central Okanagan Business Licensing and Regulation Bylaw No. 1555, 2024.

READ A FIRST, SECOND AND THIRD TIME THIS DAY OF , 2024.

ADOPTED THIS DAY OF , 2024.

CHAIRPERSON

CORPORATE OFFICER

SCHEDULE A: BUSINESS LICENSE FEES

BUSINESS LICENSE APPLICATION TYPE	2024	2025	2026	2027	2028
Administrative Fees & Charges					
1. Standard Business License Application Application fees are to be paid in addition to annual License fees.	N/A	\$50	\$50	\$50	\$50
2. Short-Term Occupancy Accommodations Business License Application Application fees are to be paid in addition to annual License fees.	N/A	\$100	\$100	\$100	\$100
3. Cannabis Production Facility Business License Application fees are to be paid in addition to annual License fees.	N/A	\$1,000	\$1,000	\$1,000	\$1,000
4. Transfer/Change Fee For change of ownership, location, or use.	\$25	\$30	\$30	\$30	\$30
5. Late Penalty Fee For License fees of existing Business Licenses that are paid after January 1 st .	\$25	\$30	\$30	\$30	\$30
Annual Business License Fees*					
6. Standard Business License	\$85	\$110	\$115	\$120	\$125
7. Short-Term Occupancy Accommodation Business License	\$85	\$260	\$265	\$270	\$275
8. Cannabis Production Facility Business License	\$85	\$500	\$510	\$520	\$530

* Additional inter-community Business License annual fees are also required for Business operations that take place across local government jurisdictional boundaries in the region (Inter Community Business License Bylaw No.1261).