

DISTRICT OF SEHEL T

Business Licence Bylaw No. 520, 2012

A bylaw to provide for the licensing of businesses in the District of Sechelt

WHEREAS the *Community Charter, SBC, c. 26, s. 8 (6)* authorizes a council to enact a bylaw to regulate in relation to business, and Division 9 further provides for the regulation of business;

WHEREAS, the Council of the District of Sechelt deems it necessary and expedient to provide for the issuance of business licenses;

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

1. Citation

This bylaw may be cited for all purposes as the “District of Sechelt Business Licence Bylaw No. 520, 2012.”

2. Definitions

In this bylaw,

Animal hospital means a hospital for animals including dogs and cats on premises where no animals are kept or boarded except as part of their hospital treatment.

Contracting shall include building construction, road building, paving, excavation or any of the building trades or sub-trades, including blasting and fabricating.

Direct Door-to-Door Sales shall mean a peddler as defined in this bylaw.

Licence Inspector means the person from time to time duly appointed as Licence Inspector for the District of Sechelt and also any person lawfully acting in that capacity.

Peddler means a person selling, taking orders, conducting telephone solicitations, or deploying and demonstrating goods, wares or other merchandise directly to or from the public on a highway or any public place, a private premises or in private premises occupied by the prospective purchaser or in another person’s commercial premises.

Proprietor means a person who ultimately controls, governs or directs the activities carried on within the kinds of premises referred to in this bylaw and includes the person actually in charge of the premises.

Short Term Residential Rental means the rental of a dwelling unit on a daily, weekly or other short term basis for less than four consecutive weeks

Vending Machine means a machine or device operated by insertion of coin or slug and without limiting the generality of the foregoing, includes a coin operated machine for the selling or disposing or processing of goods or for the purpose of providing music, games, amusements, photocopies, or services of any kind.

3. Applications and Business Licence Fees

- 3.1 Subject to provisions of the *Community Charter*, no person shall carry on a business within the District of Sechelt unless:
 - 3.1.1 That person has first paid the business licence fee prescribed for such a business in Schedule A attached to and forming part of this bylaw; and
 - 3.1.2 That person is the holder of a valid and subsisting business licence issued by the Licence Inspector under the provisions of this bylaw for each business carried on.
- 3.2 Every person making application for a business licence for the first time shall pay the prescribed fee for the business licence at the time of application.
- 3.3 Every person carrying on business within the District of Sechelt shall apply for a renewal of a business licence prior to the commencement of each succeeding licence period and shall pay the prescribed fee for such business licence at the time of application for the business licence.
- 3.4 A business licence fee prescribed by Schedule A to this bylaw shall be reduced by one half in respect of a person who becomes liable to be licensed after the 31st day of July in each and any year and the term of that licence shall be until December 31st of that year except as otherwise provided in this bylaw.
- 3.5 No licence fee paid under this bylaw shall be refundable except where granting of the licence is denied by the Licence Inspector and the Licence has not been issued.
- 3.6 An application for a business licence or a business licence renewal shall be in writing on the form prescribed by the Licence Inspector and shall contain a true and correct statement specifying the nature and character of the business being provided and be signed by the proprietor or duly authorized agent.
- 3.7 The application for business licence shall be delivered to the Licence Inspector and shall be accompanied by the fee prescribed in Schedule A attached to and forming part of this bylaw.

4. Period for Licenses

- 4.1 Except as otherwise provided in this bylaw, a business licence shall be granted for a one year period, to commence on the 1st day of January and terminate on the 31st day of December in each and every year.
- 4.2 The period for a business licence for a circus, horse show, horse racing, dog show, pony show, exhibition or other itinerant show or entertainment when held elsewhere than in a licensed theatre or other licensed place, shall be for one day.
- 4.3 The period for a business licence for a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment or exhibition shall be 6 months.

5. Form and Particulars for Licenses

- 5.1 A business licence granted under this bylaw is granted only to the person named as licensee, and a new owner of that business shall apply for a new licence under the terms of this bylaw.
- 5.2 No person shall carry on business in more than one premise under one licence.
- 5.3 No person shall change the location of a business without first obtaining a transfer of the licence, and paying the prescribed fee for the transfer of the licence, and the particulars of the transfer shall be endorsed by the Licence Inspector upon being satisfied that the new location satisfies the terms of the relevant building, zoning, health, sanitation, and business requirements within the Municipality.
- 5.4 The form of the business licence shall be prescribed by the Licence Inspector.
- 5.5 It shall be a term of every business licence for premises licensed under the Liquor Control and Licensing Act for the sale of liquor for consumption on the premises, that no liquor shall be sold or served to patrons between the hours of 1:00 a.m. and 10:00 a.m. except for New Year's Eve at which hours of sales for the consumption of liquor on the premises will be permitted from 10:00 a.m. to 2:00 a.m. The Council may authorize extended business hours for specified dates (special occasions), either generally or in respect of individual premises specified in an authorizing Council resolution. Every licence issued under this bylaw shall be posted in a conspicuous place on the premises or the thing or article in respect of which the licence is issued and anyone failing to post, and keep posted as aforesaid, shall be guilty of an infraction of this bylaw and be liable to penalties.
- 5.6 The Council may, by resolution, impose terms and conditions on business licenses for premises licensed under the *Liquor Control and Licensing Act* for the sale of

liquor for consumption on the premises when an extension for specified dates (special occasions) is permitted.

6. Administration

- 6.1 Pursuant to s. 154 of the *Community Charter*, the Council of the District of Sechelt delegates to the Licence Inspector the power to grant, issue, deny, transfer, suspend and cancel business licenses as provided in this bylaw.
- 6.2 The Licence Inspector is authorized to devise an application form and to make modifications to the prescribed application form as deemed necessary when dealing with any owner applying for licenses for one business or more than one business.
- 6.3 The Licence Inspector may impose terms and conditions on any business licence issued pursuant to this bylaw including without limitation terms and conditions:
 - 6.3.1 that security in a form and amount satisfactory to the Licence Inspector be provided to the District of Sechelt in respect of any business;
 - 6.3.2 with respect to hours of operation;
 - 6.3.3 with respect to manner of operation;
 - 6.3.4 with respect to the impact of the business on neighbouring properties; and
 - 6.3.5 that are available at law and which in the opinion of the Licence Inspector should be imposed.
- 6.4 In addition to any other terms and conditions that the Licence Inspector may establish and impose pursuant to Section 7(3) the businesses described in Schedule A will be subject to the terms and conditions set out in Schedule B.
- 6.5 The Licence Inspector or any Bylaw Enforcement Officer or Medical Health Officer is authorized to enter at any reasonable time or times any premises, place or vehicle in respect of which a business licence has been granted under the provisions of the *Community Charter* and *Local Government Act* are being observed.
- 6.6 The Licence Inspector may refuse to grant, issue, renew or transfer a business licence for reasonable cause, including without limitation where the Licence Inspector is not satisfied that the business or the applicant or holder of the business licence is complying with federal, provincial or local government statutes, bylaws and regulations including without limitation those regulating building, business, health, sanitation and zoning.

- 6.7 The Licence Inspector is hereby authorized to suspend, for the period deemed appropriate by the Licence Inspector, or cancel a business licence:
- (a) where the holder of a business licence has failed to comply with a term or condition of a licence;
 - (b) where the holder of a business licence has failed to comply with this bylaw; or
 - (c) for reasonable cause.
- 6.8 A person whose business licence has been refused, suspended or cancelled by the Licence Inspector and who intends to appeal such refusal, suspension or cancellation to the District of Sechelt Council shall, within ten days from the date of suspension or cancellation, inform the District Corporate Officer, in writing, of the intention to appeal such refusal, suspension or cancellation.
- 6.9 The notice of intention to appeal shall state in a concise fashion the grounds upon which the appeal is based.
- 6.10 The District Corporate Officer shall refer the matter to the District of Sechelt Council for reconsideration.
- 6.11 All premises in or upon which the applicant proposes to conduct a business may first be inspected by the Licence Inspector and a Medical Health Officer before a licence is granted and the applicant shall, upon request, produce certificates or letters of approval by building, septic and fire inspection authorities, or other provincial authorities as may be required.
- 6.12 All fees collected by the Licence Inspector under this bylaw shall be paid forthwith to the Chief Financial Officer of the District of Sechelt who shall deal with the fees in the manner provided by the *Community Charter* and the *Local Government Act*.

7. Offences and Penalties

- 7.1 A person who contravenes the provision of this bylaw is guilty of an offence and is subject to the penalties permitted under the *Offence Act* or relevant Municipal Ticket Information (M.T.I.) bylaw.
- 7.2 The penalty that may be imposed upon an owner found guilty of an offence shall be a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offence and a separate offence shall be deemed to be committed on each day during and on which the offence continues under this bylaw.

8. Repeal


District of Sechelt Business Licence Bylaw No. 180, 1992 and its amendments, Bylaws 180-1, 1993, 180-2, 1996, 180-3, 1997, 180-4, 1998, 180-5, 1999, 180-6, 2003, 180-7, 2004, 180-8, 2009 are hereby repealed.

READ A FIRST TIME THIS 20th DAY OF February, 2013

READ A SECOND TIME THIS 20th DAY OF February, 2013

READ A THIRD TIME THIS 20th DAY OF February, 2013

ADOPTED THIS 6th DAY OF March, 2013



Mayor



Corporate Officer

Schedule A

1. Basic Business Categories

The fee for a business licence for a business in any one of the following classifications shall be \$125.00 (One Hundred and Twenty-Five Dollars) unless otherwise specified in this bylaw:

Accountant

Advertising agency

Aircraft maintenance

Airline (Regular or Charter)

Animal grooming

Animal training

Apartment complex

Appraiser – Real Estate

Architect

Artist, Art dealer or crafts shop

Auctioneer

Auto body repair shop

Automobile dealer/Auto sales (new and used)

Automobile garage or service station or mechanic

Automobile wrecker

Automobile rentals

Automotive parts supplier

Bank, Credit Union, Loan Company,
Mortgage Broker or Stock Broker

Baker

Barber

Barrister and Solicitor

Beauty Parlour

Bed and Breakfast Accommodation

Billiard or Pool Room

Boat Builder

Boat Charters or Boat Rentals

Boat Sales

Body art – piercing/tattooing

Bookkeeper

Building supply

Bus service

Camp site or tenting ground

Caregiver

Carpet or rug cleaning service Car

Wash/detailing

Caterer

Chimney service or chimney sweep

Chiropractor

Christmas tree sales

Cinema, theatre, movie theatre, drive-In
theatre or theatre operator

Cold storage plant

Collection agent

Commercial space rental

Computer sales

Computer repair/servicing

Concert Hall, Meeting Hall, Dance Hall
or Cabaret

Concrete plant

Concrete redimix

Consignment store

Consulting

Contracting

Counselling service

Courier or Delivery Service

Crafts Fair

Craftsperson

Dance School

Daycare

Decorator

Delicatessen

Denturist

Dentist

Denture clinic

Direct and Door-to-Door Sales or Peddler
Diving (Scuba) – Commercial, inspection,
instruction
Doctor or Medical Specialist
Dog, cat, horse or pony show (per day)
Dressmaker
Driving School
Drycleaner

Electrolysis
Employment agency
Engineer – Professional
Escort service
Exhibition Hall or Ice Rink

Fitness Clinic
Fitness instruction/Fitness centre
Flight school or training
Florist
Food, Fish or Meat processing or
canning
Fuel Dealer, Bulk Oil Station

Garage door sales/installation
Garbage contractor
Golf Course/driving range
Graphic design/desktop publishing

Hairdresser
Healer or Herbalist
Homecare
Hotel or Motel
House trailer or camper sales or rentals

Insurance agency
Industrial space rental

Janitor or Housecleaner
Jeweler

Kennel (breeder)

Laboratory
Land development/management
Land Surveyor

Landscape or Gardener
Laundry/Laundromat
Liquor/beer/wine
Logging services/forestry
Lottery booth

Mail Order
Manufacturer
Marina
Martial arts training
Massage therapist
Mini-Storage
Mobile home park
Mobile vendor
Mortician or Funeral Parlour
Moving and Storage or Warehouse or
Music teacher

Naturopath/herbalist
Notary Public
Nursery

Off track betting
Opera House Theatre or Movie Theatre
Optometrist or Ophthalmologist

Parking Lot
Pawn Broker or Second-Hand Dealer
Pharmacist
Photographer
Physiotherapist
Printer or Publisher
Printing (Reproduction or Photographic
Development or Job Printer or
Newspaper)
Private Hospital
Professional Engineer
Psychiatrist
Pub (Public House, Lounge, Bar or
Tavern)

Real Estate agency
Recreational Vehicle Park or
Trailer Court
Registered Massage Therapist

Rental of tools, machinery and equipment
Wholesale Supplier

Real Estate agency

Recycling

Repair services (including Shoemaker)

Restaurant, Dining Lounge, Cafe or Cafeteria

Retail sales of any kind (not otherwise specified)

Sand or gravel extraction including delivery

School – Commercial or Private

Scrap dealer

Seamstress, Tailor, Clothing Alterations or Dressmaker

Secretarial Services/ Stenographer/ Word Processor

Security service

Septic tank service

Shopping Centre management

Signs

Spa, esthetician

Supply and installation

Tailor

Tanning salon

Taxi or limousine service

Tour guide

Towing company

Travel agency

Trucking business (Transport)

Upholsterer

Utility company office

Vending machines

Veterinarian clinic

Veterinarian hospital

Video (Video machine rentals and sales or video rentals and sales or order)

Weight loss clinic

Welder or Blacksmith

2. Businesses Not Named

The fee for a business licence in a classification not specifically listed in this bylaw shall be \$125.00 and shall be deemed to be a business in the Basic Business Category.

3. Multiple Businesses

For a single business that provides goods or services in two or more of the classifications under the Basic Category or classifications in that Category together with one or more other classifications the fee shall be 40% more than the fee for the Basic Business Category (\$50.00 more).

4. Circus, Carnival, Fair, Etc.

The fee for a circus, carnival, amusement fair, itinerant show shall be \$300.00 per day.

5. Exhibitions

The fee for an exhibition event, mall display or trade show shall be \$200.00 per day.

6. Transfer of Location

The administration fee for transferring the location of the business under Subsection 5(3) shall be \$20.00.

Schedule B

SHORT TERM RESIDENTIAL RENTAL LICENCE TERMS AND CONDITIONS

In order to lessen the impact of the short term rental of residential dwelling units in the community in general and residential neighbourhoods in particular the following terms and conditions must be met to obtain, continue to hold and renew a business licence to operate a short term residential rental business. These terms and conditions are in addition to any other terms and conditions which may be imposed by the Licence Inspector.

1. Every applicant for and holder of a short term residential rental business licence must provide the District of Sechelt with the name, address and telephone number of a person residing in the District on a permanent basis ("Local Contact"). The Local Contact must be available, and if not, the owner must be available, to respond to and deal with in a timely and appropriate manner any complaints or problems from short term residential rental tenants or neighbouring residents in respect of the property that is the subject of the business licence. It shall be the obligation of the licence holder to notify the District of Sechelt immediately if the name, address or telephone number of the Local Contact changes.

The owners of properties within 100 metres of the short term residential rental property shall be notified in writing of the name, address and telephone number of the Local Contact (or owner where local contact not applicable) within thirty days of the granting or renewal of a short term residential rental business licence or within thirty days of notification of a change in the name, address or telephone number of the Local Contact.

2. Vehicle parking for short term residential rental tenants or guests of short term residential rental tenants shall be restricted to the property and, where permitted by law, that portion of the road immediately adjacent to the property.
3. Prior to the granting of a short term residential rental business licence the applicant shall be required to deposit with the District of Sechelt, in addition to the business licence fee, the amount of \$1000 (the "Deposit"). The Deposit shall be held by the District of Sechelt as security against any costs incurred by the District of Sechelt as a result of investigations, hearings, appeals or other enforcement actions undertaken by the Licence Inspector or the District of Sechelt, whether initiated by the Licence Inspector or the municipality or resulting from third party complaints, in respect of the operation of the short term residential rental business. If any deductions are made to the Deposit the holder of the business licence will forthwith replenish the Deposit to the original amount. The Deposit or any portion remaining after deduction will be returned to the person who paid it within sixty days of the cancellation or termination or failure to renew the business licence.
4. The holder of a short term residential rental business licence must display a copy of the business licence and the name, address and telephone number of the Local

Contact in a prominent location on the premises. Signage advertising the short term residential rental business is not permitted on the property except as follows:

- (i) one unlit sign not exceeding 1½' x 2' in size containing only the address of the property, the name, address and telephone number of the Local Contact and, where applicable the name of the property, business or owner.
5. Transportation of short term residential rental tenants or guests of short term residential rental tenants to the short term residential rental property by vehicles with a capacity of sixteen passengers or more is prohibited.
6. The holder of a short term residential rental business licence must keep a written record of the names of all short term residential rental tenants.
7. The Local Contact shall attend at the property at the commencement of all short term residential rentals and meet the short term residential rental tenants.
8. A Local Contact, including any member of their immediate family, may not be a Local Contact for more than two separate properties unless the Local Contact is the registered owner of such properties.