



# **Business Licencing**

Bylaw 1337

Effective 2021 January

Consolidated 2024 March

**CASTLEGAR**

# Business Licencing

## Bylaw 1337

### A Bylaw to authorize and regulate the issuance of business licences within the City of Castlegar.

WHEREAS the Council of the City of Castlegar is empowered, pursuant to Section 59 of the *Community Charter*, to regulate and provide for the issuance of a business licence;

AND WHEREAS Council may, by bylaw, impose a fee associated with the issuance of a business licence;

AND WHEREAS Council may, by bylaw, establish fines and penalties for businesses in contravention of this Bylaw;

NOW THEREFORE the Council of the City of Castlegar in open meeting assembled enacts as follows:

#### 1 PART 1: TITLE

1.1 This Bylaw may be cited for all purposes as 'Business Licencing Bylaw No. 1337, 2020'.

#### 2 PART 2: INTERPRETATION

2.1 Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, *Local Government Act*, *City of Castlegar Zoning Bylaw* or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 In this Bylaw, unless context requires otherwise:

**Applicant** means a person who makes application for a business licence or renewal of a business licence.

**Application** means an application for a business licence.

**Application Form** means a form provided by the City of Castlegar for the purposes of application for a business licence.

**Business** means the provision of goods and services of a commercial or industrial nature, and includes mobile vending, busking, and short term rental of accommodation for the travelling public for the purposes of gain or profit, but does not include any activity carried out by government agencies or corporations.

**Council** means the Council of the City of Castlegar.

**Licence** means a business licence issued pursuant to this Bylaw.

**Licence Holder** means a person who has been issued a business licence pursuant to this Bylaw.

**Licencing Official** means the person assigned to enforce and issue business licences in accordance with this Bylaw or their designate.

**Premises** means a building, portion of a building or an area of land in which a business is conducted.

### 3 PART 3: LICENCE REQUIREMENTS

- 3.1 Every person who owns or operated a business within the City of Castlegar shall apply for, obtain, and hold a licence for each business.
- 3.2 Every person who operates a business at more than one premises, shall obtain a separate licence for each premises, whether or not the premises are located in the same building.
- 3.3 A person who operates more than one business at one premises shall apply for and maintain a separate licence for each business.
- 3.4 No person shall carry on any business for which a licence is required by this Bylaw within the City of Castlegar without holding a valid and subsisting licence for the carrying on of such business.
- 3.5 Every person who carries on a business in the City of Castlegar shall comply with all the applicable bylaws of the City. The applicant shall, upon request by the Licencing Official, produce certification or letters of approval, as may be required by Federal, Provincial or Local Government Authorities.
- 3.6 This Bylaw does not apply to:

- a. a society registered in British Columbia or Canada or a registered charitable organization that does not operate a retail or other commercial business on a regular basis;
- b. occasional fund raising activities held by educational institutions, faith based organizations, sports teams, charitable societies or other non-profit organizations;
- c. rental of a dwelling unit where the rental agreement is subject to the Residential Tenancy Act;
- d. an activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government.

#### **4 PART 4: EFFECT OF LICENCE**

- 4.1 Every licence issued under this Bylaw is personal to the person named in the licence and may not be transferred to another person.
- 4.2 A person shall not conduct a business in or on any premises other than those identified on the licence without first making an application for a new licence or a change of licence.
- 4.3 Every operator of a business is responsible for complying with, and is subject to, the requirements of all other City bylaws applicable to the business.

#### **5 PART 5: LICENCE PERIOD**

- 5.1 Except as otherwise provided in this Bylaw, the licence period shall be one (1) year, to commence January 1st and to terminate on December 31, on each and every year.
- 5.2 Applications received on, or after, July 1st will be issued a half year licence expiring on December 31st of the year it is issued.

#### **6 PART 6: LICENCE APPLICATION AND FEES**

- 6.1 Applications shall be made by the owner of the business or by the person authorized by the owner.
- 6.2 Applications shall be submitted to the Licencing Official or their designate, on the applicable form provided by the City of Castlegar.
- 6.3 Where an applicant applies for more than one (1) licence, the particulars of each licence applied for shall be included on a separate application form for each licence.

- 6.4 Every person applying for a licence under this Bylaw, shall at the time of application, pay to the City:
- a. the licence fee for the applicable type of business as prescribed within Schedule 'A' of this Bylaw;
  - b. all outstanding fees, charges and penalties due and payable to the City in respect of the business; and
  - c. all applicable Federal and Provincial sales taxes.
- 6.5 Licence applications received on or after July 1<sup>st</sup>, will be subject to a fifty (50) percent reduction from the fees prescribed in Schedule 'A'. The fee reduction provided shall only be applicable for the licence period applicable to the application.
- 6.6 Licence applications and fees not paid by the renewal date of January 31 of each year, shall be subject to a penalty fee of fifty (50) dollars.
- 6.7 Licence fees paid hereunder shall not be refundable.
- 6.8 Any persons making application for a licence under this Bylaw shall, at the time of making such application, make a true and correct statement in writing disclosing the nature of and character of such business to be carried on by the applicant, including: business name, contact information and number of persons engaged or occupied in the business.
- 6.9 Applications will not be considered complete and will not be processed until all the necessary documentation and application fees have been received.
- 6.10 Every licence holder shall keep a copy of the licence posted in a conspicuous place in the premises, vehicle or other mode of transport, place or structure where the business is conducted or undertaken and for which the licence has been issued.

## **7 PART 7: LICENCING OFFICIAL**

- 7.1 Council may, by resolution, appoint a Licencing Official for the purposes of administering and enforcing the provisions of this Bylaw.
- 7.2 A Licencing Official shall have the authority to issue or not issue a licence.
- 7.3 The Licencing Official or their delegate may enter, at all reasonable times, onto and into a premises to inspect and determine whether all regulations, prohibitions, and requirements of this Bylaw are being met.

**8 PART 8: GRANTING AND REFUSAL OF LICENCES**

- 8.1 The Licencing Official may grant a licence where the Licencing Official is satisfied that the applicant has complied with the requirements of the bylaws of the City regulating building, land use, health, sanitation and business.
- 8.2 The Licence Official may refuse to grant a licence in any specific case provided that a licence shall not be unreasonably refused and, in the case of refusal, upon request, the Licence Inspector must provide written reasons for the refusal and opportunity for the applicant to be heard.
- 8.3 In considering an application for a licence, the Licencing Official may require that an applicant provide proof of certification, approval or qualification required by a Federal, Provincial or Local Government Authority having jurisdiction over the business.
- 8.4 The Licencing Official may establish the terms and conditions of a licence, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence.
- 8.5 If the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licencing Official shall be submitted prior to the issuance of the licence.
- 8.6 The Licencing Official is authorized by Council to suspend or cancel a licence for:
- a. failure by a licence holder to comply with a term or condition of the licence;
  - b. failure by a licence holder to comply with this Bylaw; or
  - c. reasonable cause,
- provided that the Licencing Official has, before the suspension or cancellation, given the licence holder notice of the proposed suspension or cancellation and a reasonable opportunity to be heard.
- 8.7 If the Licencing Official proposes to exercise their authority to refuse, suspend or cancel a licence, the Licencing Official must provide to the applicant or licence holder who is subject to the Licencing Official's decision, notice of the Licencing Official's proposed action and that the licence holder is entitled to have Council reconsider the matter.
- 8.8 A notice shall be issued to the licence holder and served on the licence holder or delivered by registered mail to the licence holder to the address given by the licence holder on the application for the licence.

- 8.9 An applicant or licence holder who wishes to have Council reconsider the refusal, suspension or cancellation of a licence shall give written notice of a request for reconsideration to the City's Chief Administrative Officer/Corporate Officer or delegate and such notice must include a description of the grounds upon which the request for reconsideration is made.
- 8.10 Upon receipt of a written notice of reconsideration, the Chief Administrative Officer/Corporate Officer, or delegate shall schedule the time, date, and place for Council to hear the matter.
- 8.11 In reconsidering a decision of the Licencing Official to refuse, suspend or cancel a licence, Council may confirm or set aside the Licencing Official's decision as Council deems appropriate in the circumstances.

## 9 PART 9: INTER-MUNICIPAL & INTER-COMMUNITY LICENCES

- 9.1 Businesses holding either a valid current Inter-Community Licence are hereby exempted from the requirements to hold a current business licence issued by the City of Castlegar, as long as the owner or operator of the business holds a valid licence for carrying on that business issued by any municipality participating in those respective programs.

## 10 PART 10: SHORT TERM RENTAL LICENCE APPLICATIONS

- 10.1 Applicants for short term rental licence applications shall be required to provide proof of ownership of the premises from which the short-term rental shall be operated.
- 10.2 Short term rentals located within a multi-unit residential building shall be required to provide a consent letter signed by an agent authorized to act on behalf of the multi-unit residential building or strata corporation.
- 10.3 Contact information for one or two local contacts shall be provided at the time of application who are available to respond within fifteen minutes to any enquiries regarding the short-term rental.
- 10.4 Short Term Rental Accommodation is defined as the provision of accommodation for less than 90 consecutive days. **(Bylaw 1420)**
- 10.5 Short Term Rental Accommodation can be provided within a principal residence, a non-principal residence, plus one secondary suite or accessory dwelling unit. **(Bylaw 1420)**

- 10.6 Short Term Rental Accommodation hosts will be required to display a valid business licence number on all platform listings as required by the Province. **(Bylaw 1420)**
- 10.7 If a listing does not include a valid business licence where required by the City, the short-term rental platform must remove the listing at the request of the City. **(Bylaw 1420)**

## 11 PART 11: TAXI AND VEHICLES FOR HIRE APPLICATIONS

- 11.1 Applicants for taxi or vehicle for hire related business licences shall be required to provide record of the following:
- a. proof of valid vehicle insurance for the proposed use; and
  - b. proof that the driver has obtained the necessary approvals from the RCMP and other applicable authorities having jurisdiction.

## 12 PART 12: CANNABIS AND LIQUOR RETAIL APPLICATIONS

- 12.1 Applicants for cannabis and liquor retail business licences shall be required to provide record of the following:
- a. proof of a valid licence issued by the Province; and
  - b. be in compliance with the conditions and requirements of that licence.

## 13 PART 13: SECONDHAND RETAIL APPLICATIONS

- 13.1 Applicants for secondhand retail shall be required to provide record of the following:
- a. not accept goods from a person under the age of 18 years;
  - b. proof that the applicant has obtained the necessary approvals from the RCMP, and other applicable authorities have jurisdiction;
  - c. maintain records in a form acceptable to the RCMP and the Licencing Official that includes the following:
    - the time and date of goods received
    - contact information and description of the person submitting goods
    - description of the goods received including serial numbers where applicable
    - amount of money paid for the goods; and
    - the name of those involved in the transaction



- d. ensure that these records are made available upon request for a period of two (2) years following each transaction.

- 13.2 The above requirements are not applicable to goods donated for the purpose of re-sale for charitable or not-for-profit purposes.

#### **14 PART 14: MOBILE VENDING APPLICATIONS**

- 14.1 Mobile vendors are permitted at approved mobile vending locations as indicated by the City and are required to meet the mobile vending operational guidelines of the City of Castlegar.
- 14.2 Mobile vendors proposing to locate on City owned lands are required to provide proof of comprehensive public liability insurance and property damage insurance providing coverage of at least \$2,000,000 and including the City of Castlegar as an additional insured.
- 14.3 Mobile vendors proposing to locate on privately owned properties must submit written authorization from the property owner that they have approved the site location.

#### **15 PART 15: PENALTIES AND OFFENSES**

- 15.1 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw, shall be deemed to have violated the provisions of this Bylaw and shall be liable to the penalties hereby imposed. Each calendar day that such violation is permitted to continue shall be deemed as a separate offence.
- 15.2 Every person who violates any of the provisions of this Bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 (one hundred dollars) nor more than \$2,000.00 (two thousand dollars), as provided under the Offence Act.

#### **16 PART 16: SEVERABILITY AND REPEAL**

- 16.1 If any portion of this Bylaw is for any reason held in valid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.
- 16.2 City of Castlegar Holiday Shopping Bylaw No. 444, 1985 and all amendments thereto are hereby repealed.
- 16.3 City of Castlegar Amusement Centre Regulation Bylaw No. 556, 1990 and all

amendments thereto are here by repealed.

16.4 City of Castlegar Business Licence Bylaw No. 627, 1992 and all amendments thereto are hereby repealed.

16.5 City of Castlegar Taxi and Taxi-Driver Regulation Bylaw No. 839, 1998 and all amendments thereto are hereby repealed


16.6 City of Castlegar Pawn Shops Bylaw No. 1037, 2006 and all amendments thereto are hereby repealed.

READ a first time this 7<sup>th</sup> day of December 2020.

READ a second time this 21<sup>st</sup>,day of December 2020.

READ a third time this 21<sup>st</sup> day of December 2020.

ADOPTED this 18<sup>th</sup> day of January 2021.

  
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Dan Rye  
Deputy Mayor

  
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Tracey Butler  
Director of Corporate Services

**List of Amending Bylaws**

**February 2022                      Amendment Bylaw No. 1376**

**March 2024                         Amendment Bylaw No. 1420**

**SCHEDULE 'A': FEE SCHEDULE**

FEE	TYPE OF BUSINESS
\$100	ACCOMMODATION 0-5 ROOMS
\$150	6-10 ROOMS
\$300	11 OR MORE ROOMS
\$50	BANQUET/CONFERENCE ROOM
\$500	AUTO REPAIRS / SERVICE & SALES
\$200	AUTO REPAIRS / MECHANICS / SALVAGE
\$600	BANK / CREDIT UNION
\$100	BEAUTY/BARBER/AESTHETICS SINGLE PERSON ( <i>BYLAW 1376</i> )
\$200	2-5 PERSONS
\$400	6 OR MORE PERSONS
\$150	COMMERCIAL RETAIL (UNDER 6,000 SQUARE FEET)
\$400	COMMERCIAL RETAIL (OVER 6,001 SQUARE FEET)
\$200	COMMERCIAL RETAIL (CANNABIS AND LIQUOR RETAIL SALES)
\$150	COMMERCIAL SERVICES (FOOD SERVICES, ENTERTAINMENT, DAYCARES, OTHER)
\$100	CONTRACTORS
\$100	HOME OCCUPATIONS
\$100	INTER-COMMUNITY BUSINESS LICENCE
\$250	INDUSTRIAL LIGHT TO MEDIUM (SERVICE STATIONS, TRUCK DEPOTS, LUMBER YARDS)
\$50	ACCESSORY COMMERCIAL (FOOD OR RETAIL SERVICES)
\$1,000	INDUSTRIAL HEAVY (MANUFACTURING)
\$250	MOBILE FOOD OR RETAIL VENDORS (SEASONAL OR ANNUAL)
\$50	MOBILE FOOD OR RETAIL VENDORS (DAILY)
\$150	PROFESSIONAL* (INCLUDES REAL ESTATE AND INSURANCE AGENTS) SINGLE PERSON ( <i>BYLAW 1376</i> )
\$300	0-5 PERSONS
\$600	6 OR MORE PERSONS
\$50	RENEWAL PENALTY FEE (IF NOT PAID BY JANUARY 31 OF EACH YEAR)