

A BYLAW TO REGULATE BUSINESS THROUGH THE ISSUANCE OF BUSINESS LICENCES IN THE VILLAGE OF NAKUSP.

Now therefore the Council for the Village of Nakusp in open meeting assembled, enacts as follows:

TITLE

1. This bylaw may be cited as Business Licence Bylaw No. 715, 2023.

DEFINITIONS

2. For the purpose of this bylaw the following terms are defined as:

Bylaw Notice
Enforcement
Bylaw 694, 2020

- (1) "Applicant" means a person applying for a business licence with the Village.
- (2) "Bylaw Notice Enforcement" means the current Village of Nakusp Bylaw Notice Enforcement Bylaw as amended;
- (3) "Business" means carrying on a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit.
- (4) "CAO" means the person appointed as the Chief Administrative Officer of the Village, or their designate;
- (5) "Community Charter" means the *Community Charter* [SBC 2003] Chapter 26 as amended;
- (6) "Council" means the elected officials for the Village of Nakusp;

Council Procedure
Bylaw 711, 2022

- (7) "Council Procedure Bylaw" means the current Village of Nakusp Council Procedure Bylaw as amended.

Use of Public
Property
Bylaw 720, 2023

- (8) "Use of Public Property Bylaw" means the current Village of Nakusp Use of Public Property Bylaw as amended.
- (9) "Farmers Market" means a temporary seasonal market for the sale of farm produce and products, or other local vendors, merchants, or participants to gather in one location with more than three (3) different vendor tables.
- (10) "Fire Inspection" means the act of inspecting or reviewing fire safety measures and equipment at or within a building or area to ensure those measures and equipment are compliant with the *BC Fire Code Regulations* [act]; this is carried out by the Nakusp Volunteer Fire Department Fire Chief or designate by the Fire Commander of BC.

- (11) “Fees and Charges Bylaw” means the current Village of Nakusp Fees and Charges Bylaw as amended;
- (12) “Food Truck/Trailer” means a mobile unit that can be set up to prepare and sell food and drinks;
- (13) “Home Based Business” means an occupation or professional practice carried on for remuneration or financial gain within the applicants residential dwelling.
- (14) “Licence” means the business license issued by the Village.
- (15) “Licensee” means the owner of a business or a person designated by the owner in writing to represent the owner of the business;
- (16) “Licence Inspector” means the CAO or the person designated by the CAO to administer the provisions of this bylaw;
- (17) “Local Government Act” means the *Local Government Act* [RSBC 2015] Chapter 1 as amended;
- (18) “Mobile Food Cart” means a cart that attaches behind a bike, pushed like a wheelbarrow or self-propelled concession for the sale of food or drinks;
- (19) “Mobile Vendor” means a business that is carried out entirely in a mobile unit (vehicle, trailer, pushcart, or self-propelled concession) where the stocked items being offered for sale are carried and contained in the mobile unit, but does not include Mobile Food Cart or Food Truck/Trailer.
- (20) “Multiple Uses on One Property” means a business venture that has more than one complimentary business ventures on one property for example; hotel, restaurant and cold beer store, but does not include businesses operating from the same premises that offer unrelated services.
- (21) “Premises” means a building, portion of building or an area of land where business is carried on;
- (22) “Professional Office” means an office for occupations including: accountants, architects, barristers and solicitors, chiropractors, dentists, ecologists, engineers, financial consultants, foresters, massage therapists, naturopathic physicians, notaries, optometrists, osteopaths, pharmacists, physicians and surgeons, psychiatrists, physiotherapists, podiatrists, psychologists, surveyors, and veterinarians.
- (23) “Short-Term Vacation Rental” means the rental of a dwelling unit or room for a period of less than 30 days.
- (24) “Youth” means any person aged 18 and under.
- (25) “Village” means the Corporation of the Village of Nakusp;
- (26) “Village Office” means the Village of Nakusp Office located at 91 1st Street, Nakusp BC;

- (27) “Village Website” means the Village of Nakusp website, www.nakusp.com;
- (28) “Zoning Bylaw” means the current Village of Nakusp Zoning Bylaw as amended;

LICENCE REQUIREMENTS

3. (1) Every person applying for a business licence shall apply in writing, using the application available at the *Village Office* or on the *Village Website*.
- (2) Every person who carries out business transactions within the *Village*, shall apply for, obtain, hold a valid licence for each *business*.
- (3) A business licence is not required for a performance, concert, exhibition or entertainment which the entire proceeds, above actual expenses, are devoted to a local not-for-profit society.
- (4) Every person with more than one business must have a business licence for each business operating and the business name must match the business licence it is operating under.
- (5) All business ventures owned and operated entirely by *youth* are required to submit a licence application and applicable documentation despite the license being provided at no charge.
- (6) A business may be exempt from the requirements of this bylaw by a Federal or Provincial Act or Regulation.

LICENCE APPLICATION AND ISSUANCE

4. (1) An application for a licence shall be signed for by the owner of the *business*, or the owner’s agent duly authorized in writing.
- (2) A licence shall state:
- a) the name of the licensee;
 - b) the name of the business;
 - c) the classification of the business; and,
 - d) the location of the business premises.
- (3) A licence is not valid until it has been issued by the *Licence Inspector* and the licence fee prescribed in the *Fees and Charges Bylaw* has been paid.
- (4) A person shall not provide false information respecting the nature and address of the *business*, the number of persons engaged or occupied in the *business*, or any other

information which the *Licence Inspector* may require to classify the *business* or calculate the licence fee.

- (5) Every business shall display the licence, at all times, in an area that is clearly visible upon entrance of the premises or otherwise designated by the *Licence Inspector*.
- (6) Notwithstanding section 4.5 a *Farmers' Market* is not required to display the business licence.
- (7) A license shall be valid for up to one (1) year, but not exceed January 1st to December 31st of the year issued, unless otherwise stated on the licence issued pursuant to this bylaw.
- (8) Notwithstanding section 3.4, a business operating with *Multiple Uses on One Property* that complement each other, shall be subject to the highest business licence fee for their business plus a reduced rate for each additional complimentary business as provide in the *Fees and Charges Bylaw*.
- (9) The *CAO* shall have sole discretion in determining what constitutes a Complimentary business in the context of *Multiple Uses on One Property*.

PRO-RATING OF LICENCE FEES

5. (1) If a person begins a new *business* after July 31st of any year, the licence fee prescribed in the *Fees and Charges Bylaw* shall be reduced by 50%.
- (2) If a person commences a new *business* after January 1st of any year and before July 31st of the same year, the fee prescribed for that business in the *Fees and Charges Bylaw* shall pay the full fee as prescribed in the *Fees and Charges Bylaw*.
- (3) If a person is operating a new *business* prior to the 31st day of July in any year and fails to apply for a licence until after the 31st day of July in that year, they shall be liable for the full fee prescribed for that type of *business* in the *Fees and Charges Bylaw*.
- (4) Notwithstanding section 5.1, there will be no pro-rated licence fee for businesses that operate on a seasonal or monthly basis.

LICENCE RENEWALS

6. (1) Each year, the Village shall issue licence renewal invoices in January to all businesses operating in the previous calendar year, and a reminder letter sent out in February to those accounts that remain unpaid.

- (2) A person who holds an existing licence under this bylaw must pay the annual licence fee as prescribed in the *Fees and Charges Bylaw* on or before March 31 of each year.
- (3) Pursuant to s. 6.2 of this bylaw, any business license renewed after March 31, shall be required to pay the Late Business License Fee as described in Schedule 8 of the *Fees and Charges Bylaw*.

LICENCE CHANGES AND TRANSFERS

7.
 - (1) A licensee shall notify the *Licence Inspector* when a license is no longer required.
 - (2) A licence granted under this bylaw shall not be transferred to another person.
 - (3) A person shall notify the Village of any change of premises, address, or contact information for the business and obtain an updated business licence.
 - (4) A licence transfer may be refused by the *Licence Inspector* where the *premises* to which the applicant wishes to transfer the licence does not comply the requirements of *Village* bylaws regulating building, zoning, or sanitation.
 - (5) Where a *business* has been sold, the new owner shall obtain a new business licence before commencing operation.

LICENCE REFUSAL, SUSPENSION AND CANCELLATION

8.
 - (1) The *Licence Inspector* is authorized to refuse, suspend or cancel a business licence for:
 - a) failure by a *licensee* to comply with a term or condition of the licence;
and,
 - b) failure by a licensee to comply with Village bylaw, provincial or federal laws and regulations;provided that the *Licence Inspector* has, before the suspension or cancellation, given the licensee seven (7) days notice of the proposed suspension.
 - (2) The Licence Inspector shall provide written notice to the applicant or licensee of their decision to refuse, suspend or cancel the business licence.
 - (3) Notice provided in 8.2 must be done by registered mail to the address listed on the licensee's application for a business licence.
 - (4) A person shall not carry on a business while a licence is under suspension or canceled.

COUNCIL RECONSIDERATION OF REFUSAL, SUSPENSION OR CANCELLATION OF LICENCE

9. (1) If the *Licence Inspector* exercise their authority to refuse, suspend, or cancel a licence, the licensee is entitled to have *Council* reconsider the matter.
- (2) A person who wishes to have *Council* reconsider the refusal, suspension or cancellation of a licence shall provide written notice requesting Council's reconsideration to the *Licence Inspector*, within ten (10) business days of the post mark indicating the date the letter was sent.
- (3) The request for Council to reconsider shall state concisely the grounds upon which the appeal is based.
- (4) *Council* will reconsider the decision made by the *Licence Inspector* during the next regular council meeting as set out in the *Council Procedure Bylaw*.

LICENCE INSPECTOR

10. (1) The *Licence Inspector* may enter, at all reasonable times on any *premises* subject to this bylaw to ascertain whether this bylaw is being observed.

VEHICLES FOR HIRE

11. (1) The *Applicant* must provide National Safety Code number, Passenger Transportation Licence and completed Vehicle Safety Inspection per *vehicle for hire* on initial business licence application.
- (2) The *Applicant* must provide a copy of the annual ICBC insurance policy per *vehicle for hire* upon business licence renewal.
- (3) Each ICBC insurance policy per *vehicle for hire* must match name on the business licence.

FARMERS MARKET

12. (1) A *Farmers Market* must meet requirements set out in the *Use of Public Property Bylaw*.
- (2) A *Farmers Market* must provide a traffic plan with the *licence* application and annually upon renewal.
- (3) A *licence* for a *Farmers Market* can be revoked if any of its vendors are in contravention of any provision of Provincial or Federal laws or Village Bylaws.

MOBILE VENDORS ON PRIVATE PROPERTY

13. (1) Only one *Mobile Vendor* is allowed to operate simultaneously on a parcel of private property.
- (2) The *Mobile Vendor* must be completely within the property lines of the private property and adhere to any setbacks established for that zone within the *Zoning Bylaw*.
- (3) The private property where the *Mobile Vendor* is set up must be zoned for Commercial use.
- (4) *Mobile Vendors* who wish to set up on private property that is not zoned for Commercial use must have the private property owners apply for a *Temporary Use Permit* as per the *Zoning Bylaw*.
- (5) A *Mobile Vendor* must provide letter of approval from the private property owners allowing the vendor to use the land; the letter must include the following:
- a) The name of the vendor and nature of the business;
 - b) The day(s) and times the mobile vendor will be operating;
 - c) Map of the property showing measurements between property lines, existing buildings, proposed location of the vendor.

FOOD TRUCK/TRAILER

14. (1) All *applicants* must follow regulations outlined in the current *Use of Public Property Bylaw*.
- (2) All *Food Truck/Trailer* application must provide approved documentation for *Use of Public Property* for business licence application process.
- (3) If a *Food Truck/Trailer* is operating on Private Property, the applicant is subject to the provisions found within section 13 of this bylaw.

MOBILE FOOD CART

15. (1) All *applicants* must follow regulation outlined in the current *Use of Public Property Bylaw*.
- (2) All *Mobile Food Cart applicants* must provide approved documentation for *Use of Public Property* for business licence application process.

SHORT-TERM VACATION RENTALS

16. (1) A business licence is required for each *short-term vacation rental* unit.
- (2) A person wishing to carry on a short-term vacation rental business is subject to the rules and regulations provided within the *Zoning Bylaw*.
- (3) A *short-term vacation rental business* must include business licence number and number of parking spaces available for guest(s) on their chosen means of advertisement; which includes but not limited to AirBnB, VRBO, and Booking.com.

HOME-BASED BUSINESS

17. (1) An *Applicant* desiring to carry on a *Home-Based Businesses* must meet *Zoning Bylaw* requirements.

FIRE INSPECTIONS

18. (1) Every new business shall have a Fire Inspection completed and any identified deficiencies rectified before a business licence will be issued.
- (2) The following businesses must have a Fire Inspection completed each year, no later than June 30th:
 - (a) Apartments;
 - (b) Hotel/Motel;
 - (c) Hostel;
 - (d) Restaurants/Lounges/Pubs; and,
 - (e) Short Term Vacation Rentals.
- (3) Notwithstanding the businesses listed in section 18.2, all other businesses are required to have a *fire inspection* completed every two (2) years.

VIOLATION AND PENALTY

19. (1) Any person who violates any 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 by any of the provisions of this bylaw, commits an offence punishable on summary conviction.
- (2) Every person who violates any provision of this bylaw and who commits an offence punishable on summary conviction shall be liable to a fine set out in the *Bylaw Notice Enforcement Bylaw*.

- (3) Each day that the offence is continued may be considered to be a separate offence under this bylaw.

FEE SCHEDULE

20. (1) The prescribed fees are included in the *Fees and Charges* bylaw and are enforceable to this bylaw.

GENERAL PROVISIONS

21. (1) Business Licence Bylaw No. 692, 2020 and all amending bylaws are hereby repealed.
- (2) Business Licence Bylaw No. 442, 1994 and all amending bylaws are hereby repealed.

READ A FIRST TIME THIS 9th DAY OF January, 2023.

READ A SECOND TIME THIS 9th DAY OF January, 2023.

READ A THIRD TIME THIS 9th DAY OF January, 2023.

ADOPTED THIS 23rd DAY OF January, 2023.

Mayor

Chief Administrative Officer