

“Bowen Island Municipality Bylaw No. 465, 2018.”

Consolidated for convenience December, 2024

Amendment Bylaw No.	Date of Adoption
Bylaw No. 472, 2018	January 28, 2018
Bylaw No. 502, 2020	July 13, 2020
Bylaw No. 658, 2024	October 28, 2024

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**BOWEN ISLAND MUNICIPALITY
BYLAW NO. 465, 2018**

A Bylaw to provide for the Licensing and Regulating of Businesses

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to business;

NOW THEREFORE the Council of the Bowen Island Municipality, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as “Bowen Island Municipality **Business Licence Bylaw No. 465, 2018**”.

DEFINITIONS

2. For the purposes of this Bylaw, unless the context otherwise requires:

"Act" means the *Community Charter*, S.B.C. 2003, Chapter 26 as amended from time to time;

"Bed and Breakfast" as defined by the Municipality's Land Use Bylaw No. 57, 2002 means a home occupation located within a detached dwelling or accessory building or both and restricted to providing temporary overnight accommodation and a breakfast meal to transient paying guests;

"Business" means the carrying on of an undertaking of any kind or nature for the purposes of gain or profit;

"Commercial" means any business other than **"Bed and Breakfast"**, **"Commercial Guest Accommodation"**, **"Guest House"**, **"Home-Based Business – Public Access"** or **"Home-Based Business – Non-Public Access"**;

"Commercial Guest Accommodation" as defined by the Municipality's Land Use Bylaw No. 57, 2002 means overnight guest sleeping accommodation for transient paying guests, which is not a *Bed and Breakfast* and may include a washroom and kitchen within the individual unit;

"Contractor" includes any person who undertakes to do or perform any work or service at a certain price or rate or for a fixed sum, except where such work or service is specifically defined in this Bylaw;

"Council" means the Council of Bowen Island Municipality;

“Designated Individual” means a person designated as the primary contact for a short-term rental accommodation service. The designated individual may be the property host or someone that is authorized to make decisions in relation to the premises and the operation of the short-term rental accommodation service.

“Employee” means a person engaged on a full-time or part-time basis in the operation of a business, whether employed on a salaried, commission or other basis, and includes any owners, partners or principals engaged in the operation of the business;

“Guest House” as defined by the Municipality’s Land Use Bylaw No. 57, 2002 means a use that provides for overnight guest accommodation for transient paying guests, and may include a communal dining room, kitchen facility, the provision of accessory group meetings/ courses/workshops, and a dwelling unit for the owner-operator and the owner-operator’s family;

“Home-Based Business – Public Access” means a business carried on in a residential property by a resident, which business is accessory and subordinate to the residential use and has regular business hours open to the public;

“Home-Based Business – Non-Public Access” means a business carried on in a residential property by a resident of that property, which business is accessory and subordinate to the residential use and does not have regular business hours open to the public.

“Licence” means a valid and subsisting business licence issued pursuant to this Bylaw;

“Licensee” means the person who holds a Licence;

“Licence Inspector” means the person(s) appointed by Council to serve as the Licence Inspector for Bowen Island Municipality and any duly authorized representative lawfully acting in that capacity;

“Municipality” means Bowen Island Municipality;

“Person” shall include a corporation, partnership, proprietorship, firm or the personal or other legal representative of a person to whom the context may apply under this Bylaw;

“Principal Residence” means the residence in which an individual resides for a longer period of time in a calendar year than any other place.

“Property Host” means a person

- (a) Who is legally entitled to possession of a property where the short-term rental accommodation service takes place, and
- (b) Who has responsibility for arranging for the short-term rental accommodation service booking arrangement.

“Non-Resident Business” means a business, other than a resident business, carried on within Bowen Island Municipality or any work or service performed within Bowen Island Municipality;

“Non-Profit Organization” includes a society registered in British Columbia or Federally and a registered charity;

“Resident Business” means a business carried on from premises within Bowen Island Municipality.

“Residential guest accommodation” has the same meaning as defined in the Bowen Island Municipality Land Use Bylaw No. 57, 2002, as amended or replaced from time to time.

“Short-Term Rental Accommodation Service” means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days and includes a bed and breakfast and a residential guest accommodation service.

“Short-Term Rental Offer” means, in respect of a property host, an offer by a supplier host to provide a short-term rental accommodation service at the property.

“Supplier Host” means, in respect of a short-term rental offer:

- i. The property host, and
- ii. A person who, acting on behalf of, under the direction of or as an agent of the property host, has responsibility for arranging for the short-term rental offer, which may include managing the short-term rental accommodation service.

LICENCE REQUIREMENT

3. No person shall carry on within the Municipality any business unless they are the holder of a valid and subsisting Licence issued to them under this Bylaw by the Licence Inspector.
4. No person, being the holder of a non-resident Business Licence, shall carry on such business in or from premises located within Bowen Island Municipality.

EXEMPTIONS

5. The following types of businesses do not require a Licence:
 - (a) yard or garage sales provided that the sales do not occur more than once every 3 months to a maximum of 4 sales per year;
 - (b) buskers or street entertainers;
 - (c) fund-raising activities held by non-profit organizations;
 - (d) an activity undertaken by or on behalf of the Municipality, provincial or federal government or a corporation or agency of the government;
 - (e) the operation of a utility by a provincial or federal ministry or provincial or federal Crown corporation or agency;
 - (f) a performance, concert, exhibition or entertainment whose net proceeds are given to a charitable purpose;
 - (g) a performance, concert, exhibition or entertainment presented in a location whose operator already holds a Licence;

- (h) the renting of a single-family dwelling, secondary suite, duplex or rooms therein, if it is subject to the *Residential Tenancy Act*;
- (i) a Non-Resident Business within one of the following categories:
 - (i) commercial travellers selling goods, wares or merchandise to merchants within the Municipality for resale by those merchants;
 - (ii) an operator of a retail or manufacturing business delivering or picking up items sold by the retail or manufacturing business;
 - (iii) a wholesaler, manufacturer or processor delivering items to merchants in the Municipality; or
 - (iv) a person who practises a profession governed by its own legislation and who does not carry on business in the Municipality more than 30 days cumulatively within a calendar year; or
- (j) a person who pays a user fee to a Farmers' Market organization or Craft Fair to participate in a Farmers' Market or Craft Fair within the Municipality.

LICENCE PERIOD

6. The period of the annual Licence begins January 1st and expires December 31st.

LICENCE FEE

7. Every person who obtains a Licence shall pay, in advance,
 - (a) the applicable licence fee prescribed in Schedule "A" to this Bylaw
 - (b) For businesses that have not previously received a business licence, the application fee prescribed in Schedule "A" to this Bylaw.
8. An annual licence fee prescribed in Schedule "A" shall be reduced by one-half in respect of a Licence issued to a business that begins operations after July 31st in that year.
9. No refund on an annual licence fee shall be made because of any person ceasing to do business at any time. A licence fee shall be refunded only if the licence application is withdrawn prior to issuance of the Licence or if issuance of the Licence is refused.
10. All fees collected under this Bylaw shall be paid to the Bowen Island Municipality.

LICENCE APPLICATION

11. The application for a Licence shall:
- 1. be in the form or forms as prescribed from time to time by the *Licence Inspector*;
 - 2. be completed by the owner of the business or their duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the only authorized agent of all the owners or partners;

3. include written consent of the property owner authorization if the applicant is not the owner of the property where the business is located; and
 4. include evidence of strata authorization if the property where the business is located is a strata lot.
12. The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee specified in Schedule “A”.

EFFECT OF LICENCE

13. A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.
14. A Licence shall not be transferable to any other person.

DISPLAY OF LICENCE

15. Every Licensee shall keep the Licensee’s copy of the Licence posted in a conspicuous place on the premises in respect of which the Licence is issued. Where the Licensee has no business premises in the Municipality, the Licence shall be carried upon the Licensee’s person at all times when the Licensee is engaged within the Municipality in the business for which the Licence was issued.
16. For any advertising of short-term rental accommodation services the Licence number must be displayed in the advertisement.

LICENCE RENEWAL

17. It shall be incumbent upon each person to renew such Licence prior to the beginning of each Licence period as long as such business is being carried on.

LICENCE INSPECTOR’S POWERS

18. The Council may, by resolution, from time to time, appoint Licence Inspectors for the purposes of administering and enforcing the provisions of this Bylaw.
19. The Licence Inspector may refuse to issue, or suspend or cancel a licence for failure to comply with the requirements of this bylaw, another bylaw of the Municipality or other applicable enactment, or for any other reasonable cause by, by giving notice in writing to the operator.
20. Before issuing a Business Licence, the Licence Inspector shall be satisfied that:
 - (a) the proposed business would comply with the Bowen Island Municipality Land Use Bylaw and all other applicable Bowen Island Municipality Bylaws and any orders issued pursuant to the *Fire Services Act*.

- (b) all public authorities having jurisdiction over the carrying on of a particular class of business, or the carrying on of a business from a particular premise, have approved all aspects of the application. Where requested by the Licence Inspector, the applicant shall submit letters or certificates of approval from the appropriate authorities.
21. The Licence Inspector shall refuse to issue a renewal of a Business Licence if the Licence Inspector determines that the business or the business premises are not in compliance with requirements set out under Section 20 (a) and (b).

RECONSIDERATION

22. Any person that has been refused a Licence, or whose Licence has been suspended or cancelled, may request reconsideration by Council within 14 days after the date on which the decision of the Licence Inspector has been delivered to the Licence applicant or holder.
23. A request for reconsideration must be delivered in writing to the corporate officer for the Municipality, must include a copy of the notice from the Licence Inspector, and must state the grounds on which the applicant considers the Licence Inspector's decision is inappropriate.
24. Council may consider the request in written form or through an in-person hearing, or both, and may require any and all information and further information that it considers may be relevant. After considering the appeal, Council may either confirm the decision of the Licence Inspector or substitute its own decision and may impose conditions that it considers to be warranted in the circumstances to ensure compliance and a safe and reasonable business operation.

SHORT-TERM RENTAL ACCOMMODATION SERVICE

25. Unless exempted through Provincial Legislation, Residential Guest Accommodation may only be made in one or both of the following:
- (a) in the property host's principal residence;
 - (b) in not more than one secondary suite or other accessory dwelling unit on the same lot as the property host's principal residence.
26. Unless exempted through Provincial Legislation, Bed and Breakfast Accommodation may only be made in one or both of the following:
- (a) in the property host's principal residence;
 - (b) in one or more accessory buildings on the same lot as the property host's principal residence.
27. Prior to the issuance of a licence, the property host of a short-term rental accommodation service must provide the following to the Licence Inspector:
- 1. proof of insurance coverage, in a form acceptable to the Licence Inspector, for the use of the property as a short-term rental accommodation service;

2. name and 24-hour contact information of the designated individual;
 3. number of bedrooms to be offered within the property for short-term rental accommodation service;
 4. maximum number of guests that will be accommodated on the property;
 5. number of on-site parking spaces;
 6. other information requested by the Licence Inspector that the Licence Inspector considers to be relevant to ensuring compliance with applicable enactments and the safe and reasonable operation of a short-term rental accommodation service.
28. The property host of a short-term rental accommodation service must:
1. only allow short-term rental accommodation service on premises that have been approved and identified on the licence application;
 2. notify neighbouring property owners on all adjacent sides of the licenced premises that a short-term rental accommodation service is being operated thereupon and provide contact information for the designated individual to such neighbours;
 3. provide guests with contact information for the designated individual;
 4. ensure the designated individual is available for contact 24 hours a day during periods when the premises are rented as a short-term rental accommodation service, and responds to any nuisance complaint within 2 hours of notification;
 5. notify the Licence Inspector within 24 hours of a change in contact information for a designated individual; and
 6. comply with all applicable requirements in the Municipality's Land Use Bylaw and Building Bylaw, and in the BC Building Code, BC Fire Code and related enactments.

GENERAL REGULATIONS

29. Where any Federal or Provincial enactment or any other Municipal bylaw applies to any matter covered by this Bylaw, the issuance of a licence under this Bylaw shall not relieve the licensee from complying with the provision of such other enactments or bylaws.

ENFORCEMENT

30. Every Licence Inspector and any duly authorized representative lawfully acting in that capacity are authorized to enforce this Bylaw.
31. Every Licence Inspector, Bylaw Services Officer and any duly authorized representative lawfully acting in that capacity are hereby authorized to enter at all reasonable time upon any property for the purposes of administering and enforcing this Bylaw.
32. The Licence Inspector may issue a bylaw notice to any person who has contravened this Bylaw. Notwithstanding, nothing shall limit or remove the right of the Municipality to prosecute any offence by way of an information being laid and a summons issued in accordance with the procedure set out in the *Offence Act*.

PENALTIES

33. A violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in the Municipality's Bylaw Notice Enforcement Bylaw.
34. Each calendar day that an offence continues shall constitute a separate offence.
35. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, or fails to comply with an order, direction or notice made or delivered under this Bylaw, commits an offence and is liable, upon conviction, to the penalties prescribed under the *Offence Act*.
36. No person shall interfere with a Licence Inspector in issuing a bylaw notice or otherwise enforcing this Bylaw or carrying out their duties under this Bylaw.

CLASSIFICATION

37. For the purposes of this Bylaw, businesses are classified in accordance with Schedule "A" to this Bylaw.

SCHEDULES

38. Schedule "A" forms part of this Bylaw.

SEVERABILITY

39. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this Bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

EFFECTIVE DATE

40. This Bylaw comes into force and effect on January 1, 2019.

READ A FIRST TIME this 23rd day of July, 2018;

READ A SECOND TIME this 24th day of September, 2018;

READ A THIRD TIME this 24th day of September, 2018;

FINALLY ADOPTED this 9th day of October, 2018.

Murray Skeels
Mayor

Sophie Idsinga
Interim Deputy Corporate Officer

Schedule "A" Business Categories and Fees

<u>Category</u>	<u>Licence Fee</u>	<u>Application Fee</u>
Bed and Breakfast	\$150	\$200
Commercial	\$125	\$75
Commercial Guest Accommodation	\$150	\$200
Contractor	\$100	\$50
Guest House	\$150	\$75
Home-Based Business– Public Access	\$100	\$50
Home-Based Business – Non-Public Access	\$25	\$50
Non-Profit Organization	\$0	\$0
Non-Resident Business	\$100	\$50
Residential Guest Accommodation	\$300	\$200