

# VILLAGE OF CANAL FLATS

## BYLAW NO. 270, 2024

### Business Regulation and Licensing Bylaw

A Bylaw to authorize the issuance of Business Licenses and to regulate businesses for all Businesses within the boundaries of the Village of Canal Flats

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**WHEREAS** the Council for the Village of Canal Flats deems it necessary to regulate business operating within the municipality and establish licensing procedures for businesses to protect the public and prevent or minimize nuisances and deceptive business practices;

**AND WHEREAS** the Council deems it necessary to establish and impose application and licensing fees;

**AND WHEREAS** the Council deems it necessary to establish fines and penalties for businesses in contravention of this bylaw;

**NOW THEREFORE**, under the authority of the *Local Government Act*, the Council of the Village of Canal Flats, in open meeting assembled, enacts as follows:

#### 1. **INTERPRETATION**

For the purposes of this bylaw, unless the context otherwise requires:

**“Accessory Dwelling Unit”** means a building located on property zoned “Accessory Dwelling Unit” which contains sleeping or housekeeping accommodation used or intended to be used on a nightly or weekly basis for temporary accommodation of the travelling public;

**“Accommodation, commercial”** means hotels, motels, inns, lodges, resorts, bed and breakfast or any building or group of buildings having more than three (3) sleeping or habitable rooms for rent and intended or designed to be temporarily occupied by tourists or transients;

**“Agent”** means a person or persons who act(s) on behalf of another person or persons by authority from them to do business within the Municipality and who charges or receives a commission or other payment for so doing;

**“Apartment”** means any building or premise not being a hotel, motel, hostel, guesthouse, vacation rental or bed and breakfast and which is divided into three or more dwelling units with shared entrances, occupied or equipped to be occupied as permanent rental accommodation;

**“Bed and Breakfast”** means the accessory use of up to a maximum of three bedrooms in a single-family dwelling for tourist accommodation on a nightly basis at time when the long-term tenant, lessee or owner or an adult member of that person’s family is present and residing in the dwelling on a full-time basis. Such use may include breakfasts served in the single-family dwelling, but must not include cooking facilities in the bedrooms;

**“Business”** means the carrying on of 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, but does not include an activity carried on by the government, its agencies, or government owned corporations;

**"Campground"** means a properly zoned site operated for temporary accommodation and occupied, or equipped to be occupied, by people in tents and recreational vehicles;

**"Chief Administrative Officer"** means the Chief Administrative Officer for the Village of Canal Flats;

**"Clerk"** shall mean the *Municipal Clerk* of the Municipality;

**"Condominiums"** shall mean a multiple family residential strata title development consisting of individual dwelling units;

**"Council"** means the Council of the Village of Canal Flats;

**"Home Based Business"** shall mean a business which may be conducted in accordance with the provisions of this bylaw and the Village of Canal Flats Zoning Bylaw, and which is clearly incidental both to the use of the dwelling unit for residential purposes and to the residential use of the lot occupied by the dwelling;

**"Hostel"** means any building or premise used to provide tourist accommodation, generally dormitory or bunk-style sleeping accommodations with shared bathroom and kitchen facilities;

**"Hotel"** means a building or group of buildings, each of which are comprised of more than three rooms or suites with separate entrances to a common interior hallway. Hotel rooms or suites are used or intended to be used on a nightly or weekly basis for temporary accommodation of the travelling public;

**"Itinerant"** means any person who travels from place to place to carry on, maintain, own or operate, within the Village, any of the following: auctions, carnivals, circuses, dog &/or cat shows, exhibitions, horse or pony shows, promoters of entertainment or sporting events, scenic/tourist attractions, theatrical shows, merchandise retailers or liquidators and all other forms of itinerant shows, entrainment, amusement, or exhibitions or sales;

**"License"** shall mean a license to carry on a business in the Municipality issued under the provisions of this Bylaw;

**"License Inspector"** shall mean Building Inspector, Fire Inspector, Bylaw Enforcement Officer, staff-person designated to manage business licensing and the Chief Administrative Officer and their designate.

**"Motel"** means a building or group of buildings, each of which are comprised of three or more rooms or suites with exterior entrances. Motel rooms are used or intended to be used on a nightly or weekly basis for temporary accommodation of the travelling public;

**"Municipality"** shall mean the Village of Canal Flats;

**"Non-Resident Business"** means a business, other than a resident business, carried on in the Municipality, or with respect to which any work or service is performed within the Municipality;

**"Person"** where the context so requires, means any individual, firm or corporation, or association of individuals, firms, or corporations, whether acting by themselves or by an agent, servant or employee, and shall include a body politic or corporate. The singular shall include the plural;

**"Resident Business"** means a business carried on, in or from premises within the Municipality;

**"Retail Floor Area"** means the area actually used for retail sales and display of goods for sale, but does not include storage areas not normally accessible to customers;

**"Short Term Rental"** means a dwelling unit used for the business of tourist accommodation on a short-term basis (nightly, weekly, and/or monthly), which conforms to all requirements of the Village of Canal Flats Zoning Bylaw;

**"Separate License"** means for the purpose of this bylaw:

- a) where a business is carried on, in or from more than one premise or property in the Village, the business carried on, from or in each premise or property shall be deemed a separate and distinct business;
- b) where the nature or particulars of multiple businesses operating from the same premises or property vary materially, each shall be deemed a separate and distinct business;

**"Street Market"** means a seasonal market held on property zoned for that purpose as regulated by the Village of Canal Flats Zoning Bylaw, at which Vendors may display and sell wares and services with a valid Business License or Vendor license issued by the Village of Canal Flats;

**"Treasurer"** means the Chief Financial Officer or assistants appointed from time to time by Council.

**"Vendor"** means a person(s) who offers for sale merchandise or services, whether on foot, bicycle, vehicle or any other means of transportation or with any type of receptacle, including but not limited to carts, tables, and wagons, other than a delivery vehicle owned and operated by a licensed retailer or wholesaler within the Municipality. Vendor also includes hawkers, hucksters and peddlers who carry on business by offering for sale goods, wares, or other merchandise directly to or from the public.

## **2. PROHIBITION**

No person shall:

1. carry on a business within the Municipality unless they are the holder of a valid and subsisting license issued to them under this bylaw by the License Inspector;
2. carry on a business within the Municipality without approval from the License Inspector confirming that the property on which the business is located or operated from, meets all applicable regulations of the Village of Canal Flats Zoning Bylaw, as determined by the License Inspector.
3. operate more than one store, branch, premise, unit or place of business in respect of any business, trade, profession or other occupation, without taking out a separate license in respect of each such separate store, branch, premise, unit, or place of business.
4. change a licensed business' location without first obtaining a transfer of their license in respect thereto from the License Inspector;
5. change or alter the activities of a licensed business without notification to the License Inspector;
6. place, allow, or keep on the premises other than a licensed amusement arcade or games room more than two (2) amusement machines.

## **3. APPLICATION FOR BUSINESS LICENSE**

1. The application for a license for the first time shall be:
  - a) signed by the owner of the business or a 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 duly authorized agent of all the owners or partners;
  - b) accompanied by the non-refundable license processing fee prescribed in Schedule "L" of the Village of Canal Flats Fees and Charges bylaw as amended from time to time;

- c) accompanied by the license fee prescribed in Schedule “L” of the Village of Canal Flats Fees and Charges bylaw as amended from time to time.
- d) accompanied by all approvals, as deemed necessary by the License Inspector;
- e) delivered to the License Inspector.

#### **4. FEES**

1. a) All new applications and renewals shall be accompanied by the applicable license fee in Schedule “L” of the Village of Canal Flats Fees and Charges bylaw as amended from time to time.
  - b) A business license shall be deemed to be a renewal if the renewal is completed by January 31<sup>st</sup> of the year in which the business license is valid.
  - c) Business licenses renewed on or after March 2<sup>nd</sup> of the year in which the license is valid shall be considered new applications and the business will be required to provide a completed application form accompanied by a non-refundable application fee and the applicable license fee.
2. All fees collected under this bylaw shall be paid forthwith to the Municipality and the Municipal Treasurer shall deal with the said fees in the manner provided by the *Local Government Act*.

#### **5. LICENSES**

1. It shall be incumbent upon each person carrying on a business within the municipality to renew such license at the beginning of each licensing period, as set out in Sections 4 and 7 herein.
2. Business License fees for all businesses, with the exception of Itinerants and Vendors classifications and the transfer of an existing license, are subject to a \$25.00 discount if application is made and approval is granted by the License Inspector, on or before January 31<sup>st</sup> in the year for which the license is valid.
3. The issuance of a license shall not be deemed to be a representation by the municipality to the licensee that the business or proposed business complies with any or all applicable bylaws or enactments. The business owner remains responsible to ensure compliance with all bylaws and enactments.
4. Every person granted a business license under this Bylaw shall or shall cause such license to be posted in a conspicuous place on the premises or on the article or on the vehicle at the location in respect of which the license was issued.
5. Community events, sponsored through the Village of Canal Flats that utilize municipal property or facilities, the daycare or the elementary school shall be exempt from the licensing requirements of the bylaw.
6. A business may only operate on municipal property, including but not limited to boulevards, streets and roads, with written approval from the Village of Canal Flats. Any person or business, with the exception of Vendors operating in a Street Market, seeking a license to conduct business on municipal property must obtain liability insurance in the amount of Five Million Dollars (\$5,000,000.00) for personal injury, death and property damage; as well as (if applicable), vehicle insurance. The liability insurance must contain a clause indemnifying the Village from liability in the event of injury or damage being done to any person or property as a result of any activity of the business, and contain a clause that the insurance cannot be terminated without a thirty-day notification of such to the Village of Canal Flats. Proof of such insurance must be submitted to the satisfaction of the Treasurer or License Inspector prior to the granting of a license.

7. Applications that are refused by the License Inspector will be forwarded to Council for reconsideration if written request is received in the Municipal Clerk's office within ten (10) days of refusal of the license.

#### **6. TRANSFER/CHANGES IN BUSINESS LICENSES**

1. Every license granted under this Bylaw shall be deemed to be a personal license to the licensee therein named and shall not be transferable to any other person.
2. Every person granted a business license under this Bylaw shall notify the License Inspector, in writing, of any change in the mailing and/or business address, the classification of the business, the premises in which the business is being carried out and shall notify the License Inspector when the license is no longer required.
3. Where a person proposes to relocate a licensed business from the premises authorized by the business license to new premises, the person shall not commence operation of the business at the new premises unless he has obtained the approval of the License Inspector for a transfer of the license to the new premises. Notification of transfer shall be delivered to the License Inspector and shall be accompanied by the fee prescribed in Schedule "A", attached hereto and forming part of this Bylaw.

#### **7. PERIODS FOR LICENSES**

1. Licenses shall be issued for the period from January 1<sup>st</sup> to December 31<sup>st</sup>, provided that the annual license fee prescribed shall be reduced by one-half with respect of a person who becomes liable to be licensed after the thirty-first (31<sup>st</sup>) day of August in any one year.
2. Subject to the provisions of the Local Government Act, the period for a license with respect to a circus, horse show, dog or 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.

#### **8. POWERS OF LICENSE INSPECTOR**

1. The License Inspector shall have the power to grant, issue, or transfer a license, as set out in this bylaw and subject to the provisions of the Local Government Act.
2. The License Inspector or their designate or a Bylaw Enforcement Officer may enter at all reasonable times on any property to ascertain whether the bylaw requirements are being met or regulations are being observed.
3. The License Inspector shall grant a license where satisfied that the applicant has complied with the bylaws of the Village and any other regulations, bylaws or acts as deemed applicable by the License Inspector, and shall suspend any license for the period they decides if it's holder:
  - a) is convicted of an offence indictable in Canada;
  - b) is convicted of any offence under any Village bylaw or statute of the Province in respect of the business for which they are licensed, or with respect to the premises named in the license;
  - c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his license, that it warrants the suspension of the license;
  - d) is deemed, under the Local Government Act or the Offence Act, to have pleaded guilty to an offence referred to in paragraph (b);
  - e) has ceased to comply with a bylaw or has otherwise ceased to meet the lawful requirements to carry on the business for which he is licensed, or with respect to

- the premises named in the license;
- f) if, in the opinion of Council, the holder has engaged in misconduct that warrants the suspension or cancellation of the license
    - i) if the misconduct is in respect of the business,
    - ii) in or with respect to the premises named in the license, or
    - iii) in respect of that business or another business, or in or with respect to the premises of that business or other business, carried on by the holder inside or outside the Village.

#### **9. LICENSE SUSPENSIONS/REVOCATIONS AND APPEALS**

1. Any person whose license has been suspended or revoked by the License Inspector and who proposes to appeal such suspension to Council shall within ten (10) days from the date of suspension/revocation, give to the CAO notice of his intention to appeal the said suspension.
2. The notice of intention to appeal shall state in concise fashion the grounds upon which the appeal is based.
3. The CAO shall thereupon refer the matter to Council in order to appoint a time and place for the hearing of the appeal.

#### **10. ACCOMMODATION CLASSIFICATIONS**

1. All business licenses issued under an Accommodation classification must, upon application for a business license, provide to the License Inspector a site plan detailing the placement of the available sites, rooms, units, cabins, beds and/or pads and the total number available. Upon renewal of a business license under any Accommodation classification, it is incumbent upon the licensee to inform the License Inspector of any changes in the total number of available spaces.
2. Bed & Breakfast Accommodations – the area designated for Bed & Breakfast use, including any common room provided outside of the tenant's personal area, shall not contain:
  - a) Cooking facilities with the exception of a kettle, coffee maker, toaster (excluding a toaster oven), microwave (excluding convection/microwave combination);
  - b) 220 volt electrical supply;
  - c) Refrigerators in excess of 6.0 cubic foot capacity.
3. Short Term Rental Accommodations means temporary accommodation for one or more persons for not more than twenty-eight consecutive days but does not include such accommodation as a hostel; hotel; motel or Bed & Breakfast.
4. All Short Term Rental Accommodation applications must provide the total area in the dwelling (square foot/metre and percentage of total area) that is being used for the occupation.
5. At the discretion of the License Inspector, all Short Term Rentals may require signatures from the Planning Department, Building Inspector, Health Inspector, Fire Chief, Electrical Inspector and Bylaw Enforcement Officer prior to the issuance of a business license.
6. All Short Term Rental requirements of the Village of Canal Flats Zoning Bylaw shall apply.

**11. CAMPGROUND BUSINESSES**

1. Every person who carries on a campground business shall maintain a register showing:
  - a) the make, model, year and vehicle license plate number of any vehicle located within the campground;
  - b) the campsite or location assigned to the vehicle;
  - c) the name and home address of the person who brought the vehicle to the campground; and
  - d) the date on which the vehicle first entered the campground, and every date thereafter during which the vehicle was located within the campground.
2. The register required by Section 10.1 shall be kept on the site of the campground business and updated daily and shall be made available to the License Inspector for inspection forthwith upon request.

**12. MOBILE VENDORS**

1. All applicants for a Mobile Vendor license shall require Council approval prior to the issuance of a business license and adhere to the guidelines outlined in the current Mobile Vendor Policy as amended from time to time.
2. The license inspector shall not issue a business license to a Mobile Vendor until the applicant has provided a copy of an insurance policy in the amount of \$5,000,000 (five million dollars) for personal injury, death and property damages, as well as, if applicable, vehicle insurance. The liability insurance must contain a clause indemnifying the Village of Canal Flats from liability in the event of injury or damage to any persons or property as a result of any activity of the business, including fees for solicitors and other professionals. The liability insurance must also contain a clause that the insurance cannot be terminated without a thirty-day notification of such to the Village of Canal Flats.
3. Mobile Vendor businesses must meet all Provincial food handling requirements, provide proof to the License Inspector of such approval and shall be in possession of a valid permit issued by the Provincial Authority having jurisdiction.
4. At no time will it be permitted for a mobile vending unit to obstruct the free flow of pedestrians or vehicular traffic with the Village of Canal Flats.
5. Mobile Vendors must obtain and have in their possession at all times a letter of written permission from the private land owner, permitting the business to operate on the landowner's property.
6. No form of voice amplifying device shall be allowed on the mobile vending unit. All soliciting must be done at a level speaking voice with no shouting or other form of loud noise intended to attract the attention of the public.
7. The operator of a Mobile Vending Unit is responsible for the cleanup of all litter generated within 10 meters of their location and shall be responsible for providing waste receptacles and removal of all collected garbage from such locations.
8. Mobile vending will be permitted seven (7) days of a week commencing at 8:00am and must cease on or before 9:00pm of each day.

**13. GARAGE/YARD SALES**

1. A person holding a garage/yard sale at a residential premise is not required to obtain a Business License, provided that a person does not hold more than five (5) sale days per year.

**14. RETAIL CANNABIS AND GROW OPERATIONS**

1. Operators of retail cannabis and grow operations, including those operated by non-profit societies, will not be permitted to locate within one hundred (100) metre radius from the nearest property line of an existing school or daycare.
2. Operators of cannabis dispensaries and grow operations, including those operated by non-profit societies, may only operate if also permitted by the Federal, Provincial and Municipal governments.

**15. ENFORCEMENT**

It shall be the duty of the License Inspector and Bylaw Enforcement Officer to enforce the provisions of this bylaw.

**16. VIOLATIONS AND PENALTIES**

No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.

Any person who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Five Thousand Dollars (\$5,000.00) plus the cost of prosecution.

Each day that the violation continues to exist shall constitute a separate offence.

**17. TICKETING**

Tickets issued for offences against this bylaw shall be in accordance with the Village of Canal Flats Municipal Ticketing Bylaw, as amended from time to time.

**18. APPEALS**

A person whose license has been suspended under this bylaw may appeal to Council and upon such appeal the License Inspector may confirm or set aside such suspension on such terms as deemed reasonable.

**19. SEVERABILITY**

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

**20. CITATION**

This bylaw may be cited as "Village of Canal Flats Business Regulation and Licensing Bylaw No. 270, 2024".

**READ A FIRST** time this 25<sup>th</sup> day of November, 2024

**READ A SECOND** time this 25<sup>th</sup> day of November, 2024

**READ A THIRD** time this 25<sup>th</sup> day of November, 2024

ADVERTISED in the November 28 and December 5, 2024 editions of the Columbia Valley Pioneer and Canal Flats Newsletter, posted pursuant to section 59(3) of the *Community Charter*.

**RECONSIDERED AND FINALLY ADOPTED** this 12<sup>th</sup> day of December, 2024

Signed: Mark Doherty

Signed: Sylvie Hoobanoff

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Mayor Mark Doherty

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Sylvie Hoobanoff, Corporate Officer

**CERTIFIED** a true and correct copy of the  
Village of Canal Flats Business Licensing  
Bylaw No. 270, 2024”

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Corporate Officer