

THE CORPORATION OF THE VILLAGE OF LUMBY

BUSINESS LICENCE BYLAW NO. 884, 2023

**A BYLAW TO PROVIDE FOR A SYSTEM OF BUSINESS
LICENSING IN THE VILLAGE OF LUMBY**

**CONSOLIDATED WITH AMENDMENTS FOR
CONVENIENCE PURPOSES ONLY**

Amendment Bylaws:

Bylaw No. 886, 2023

Bylaw No. 900, 2024

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A BYLAW TO PROVIDE FOR A SYSTEM OF BUSINESS LICENSING
IN THE VILLAGE OF LUMBY

WHEREAS Council may provide for a system of licenses, permits and approvals in relation to businesses.

NOW THEREFORE the Council of the Corporation of the Village of Lumby in open meeting assembled ENACTS AS FOLLOWS:

DEFINITIONS

The following definitions shall apply:

Accessible Vehicle means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids.

(B/L 886, 2023)

Adult Only includes a business that offers activities and services of a personal or intimate nature that are intended for a person nineteen (19) years of age or older, such as to body rub studio, body painting studios, **Dating Agency** and **Social Escort** but excludes a **Liquor Establishment**.

Amusement means a business that offers entertainment, recreation, games, or contests of any description.

Applicant means a person who applies for a **Licence** or renewal of a **Licence** pursuant to this bylaw.

Application means the Village of Lumby Business Licence Application (Schedule B) or the BC One Stop Application.

ATM includes an automated teller machine that dispenses cash or provides other banking services but does not include an **ATM** located within a bank, credit union or other financial institution for which a **Licence** has already been issued.

Authorization has the same meaning as under the *Passenger Transportation Act, SBC 2004, c.39*.

(B/L 886, 2023)

Bed & Breakfast extends to include "Airbnb" means a boarding, lodging or rooming house completely enclosed within a building used for residential purposes, which includes breakfast provided on the premises and shall accommodate not more than four (4) boarders provided one (1) additional boarder may be added for each 45 m² (484.4 square feet) of lot area in excess of 1100 m² (11,840 square feet) as per the Zoning Text Amendment Bylaw No. 786, 2016.

Business Name means the name that a business uses to identify, promote or advertise the business, or under which the business is carried on.

Bylaw Officer means a Bylaw Enforcement Officer, **RCMP** Constable or other person appointed by the **Village** to enforce the **Village's** bylaws.

“Cannabis” has the same definition as in the *Cannabis Act (Canada)* subject to any prescribed modifications.

(BL 900, 2024)

“Cannabis Retail Store” means a business licensed under the regulations of the *Cannabis Control and Licensing Act* and where the principal business is the retail sales of cannabis products for the consumption off site.

(BL 900, 2024)

Community Charter means the *Community Charter*, S.B.C. 2004, c. 26, as amended.

Construction and Development means a business involving the construction, development, maintenance, servicing, testing or repair of building, structures, utilities or land.

Contractor means a business that:

- (a) is involved in construction, development, maintenance, servicing, testing or repair of building, structures, utilities or land;
- (b) oversees and manages Construction and Development projects; or
- (c) provides service in a trade that is designated by the Advanced Education Industry Training Authority of the Province of British Columbia as a trade within which it is mandatory that journey persons hold a valid 'Certificate of Qualification' to practice their trade and apprentices must be registered through an apprenticeship agreement.

Corporate Officer means the Corporate Officer of the **Village**.

Council means the Municipal Council of the **Village**.

Dating Agency means a business that provides information to a person desirous of meeting other persons for the purpose of companionship, dating, or other social outings.

Door to Door Sales means a business involving selling, soliciting or canvassing door to door for the promotion of any product, service, contract, event or other work.

Fire Chief means the **Fire Chief** of the Lumby and District Volunteer Fire Department, and any person designated by the **Council** to perform fire safety inspections within the **Village**.

Food and Beverage means a business primarily involving the preparation or service of food and beverages but does not include a business that holds a liquor primary license under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, as amended from time to time.

Health Officer means a health officer within the meaning of the *Public Health Act*, S.B.C. 2008, c. 28, as amended.

Home Occupation means a business that is undertaken inside a residential building, or accessory residential building.

Intermunicipal Business licence means a mobile business license issued by a participating municipality, both as defined under the Mobile Business License Bylaw No. 677-2007, as amended.

Licence means a licence issued pursuant to this Bylaw.

Licence Fee means the annual **licence fee** payable by a business under this bylaw, as set out in Schedule "A" of this Bylaw.

Licence Holder means a person who has been issued a **Licence** pursuant to this bylaw.

License Inspector means a person appointed by the **Council** to enforce and administer this bylaw.

Liquor Control and Licensing Act means the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c.267 as amended.

Liquor Establishment includes a business that involves the sale of liquor, under a liquor license pursuant to the *Liquor Control and Licensing Act* but does not include a **Food and Beverage** Business.

Mobile Street Vendor means a business issued a licence on an annual basis to operate a motorized vehicle or a pedal-powered cart that operates by moving from client to client selling food and non-alcoholic beverages, such as an ice cream truck or a coffee/lunch wagon, but does not set up a Premises.

Non-Resident Business means a business which:

- (a) is not a **Resident Business**; but
- (b) is carried on within the **Village**, or with respect to which any work or service is performed within the **Village**.

Non-Profit Society includes a society registered in British Columbia or a registered charitable or a non-profit or charitable organization in Canada.

~~**One Stop Business Registration** means the Provincial Government's online initiative which enables a business to register with multiple public agencies in one step.~~

(BL 900, 2024)

Passenger Vehicle for Hire means a vehicle with nine (9) or fewer passengers used to transport people for financial remuneration, and includes a taxi, limousine, and also includes a Passenger Directed Vehicle under the Passenger Transportation Act, SBC 2004, c. 39.

(B/L 886, 2023)

Premises includes stores, offices, warehouses, factories, buildings, houses, enclosures, yards or other places occupied, or capable of being occupied, by a business for the purpose of carrying on a business.

Picture Identification means any one or more of the following provided it is integrated with a photograph of the bearer:

- (a) valid driver's license issued by a Canadian Province or territory;
- (b) provincial identity card;
- (c) passport issued by the government of origin;
- (d) certificate of Indian Status issued by the Government of Canada.

Professional means a person who as a condition precedent to providing a service, must be licensed or hold other statutory authorization as set out in and regulated by a statute of the Provincial Government such as

- (a) Accountant (CGA, CMA, CPA, or CA);
- (b) Agrologist;
- (c) Appraiser;
- (d) Architect;
- (e) Barrister & Solicitor;
- (f) Chiropractor;
- (g) Dentist, Dental Surgeon or Orthodontist;
- (h) Engineer;
- (i) Insurance Adjuster;
- U) Insurance Agent;
- (k) Investment/Securities Agent;
- (l) Land Surveyor;
- (m) Massage Therapist
- (n) Notary Public;
- (o) Optometrist;
- (p) Osteopath;
- (q) Physician & Surgeon (General Practitioner or Specialist);
- (r) Physiotherapist;
- (s) Podiatrist;
- (t) Psychiatrist;
- (u) Psychologist;
- (v) Real Estate or Land Agent; or
- (w) Veterinarian.

Provincial Government means the government of the Province of British Columbia.

Public, Farmer or Flea Market means a temporary or seasonal market for the display and sale of home crafted products, farm produce or products, gently used items, in an open air or indoor venue. These markets must have at least six (6) vendors, that operate for two (2) or more hours per day for a minimum of four (4) markets per year.

Purchase includes buy, barter, deal in, take in exchange, take in part payment, take in pawn or receive on consignment.

Resident Business means a business carried on in or from Premises within the Village.

Register includes any written, typed or electronically stored information required to be kept on the premises in which this business is carried in a form approved by **RCMP**.

RCMP means the Royal Canadian Mounted Police.

Safety Standards Act means the *Safety Standards Act*, S.B.C. 2003 c.38, as amended.

Second Hand Dealer includes a business that purchases or receives used or second hand goods

Security Services Act means the *Security Services Act*, S.B.C. 2007 c.30, as amended.

Service or Delivery Vehicle means a motor vehicle with a commercial registration that:

- (a) is used by the **Licence Holder** in connection with a **Home Occupation**; or
- (b) makes deliveries to, picks up items or persons from, or otherwise attends at the **Premises** at which the **Home Occupation** is located.

Social Escort includes a business that for a fee or other form of payment provides an escort to accompany another person for social purposes or companionship, but excludes a person providing personal assistance or care to another person because of that other person's age or disability.

Special Event includes a business involving a short term or temporary event, **Amusement**, performance, concert, exhibition, entertainment or concessions that, does not exceed seven (7) days within the calendar year, except as provided otherwise in the bylaw such as:

- (a) associated retail sales;
- (b) auction;
- (c) **Trade Show**;
- (d) flea market;
- (e) craft fair;
- (f) circus; or
- (g) carnival.

Stationary Street Vendor means a business issued a licence on an annual basis to operate a vehicle or trailer for the purpose of selling food or non-alcoholic beverages from an approved **Vending Site**;

Trade Show means an event involving organizing a group of more than five (5) merchants to gather in one location or building to offer or promote sales, such as the sale of goods, wares, merchandise, services, products or concepts.

Vehicle for Hire License means a license issued by the Village under this Bylaw, specific to a particular vehicle to allow that vehicle to be used as a Passenger Vehicle for Hire.

(B/L 886, 2023)

Vehicle for Hire Service means a company or individual carrying on the business of operating one or more Passenger Vehicles for Hire.

(B/L 886, 2023)

Vending Machine means any machine or device operated mechanically or otherwise by inserting a coin, token or slug, or operated by credit or debit card for:

- (a) selling or dispensing goods, wares, merchandise;
- (b) providing music;
- (c) dispensing refreshments, confections and food, lotto tickets, tobacco products, detergents or
- (d) providing a service, other than washing or drying clothes.

Vending Site means a designated area approved by the **Village** for the purpose of a **Stationary Street Vendor** setting up a **Premises**.

Village means the Corporation of the Village of Lumby.

Zero Emission Vehicle means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

(B/L 886, 2023)

Zoning Bylaw means the Village Zoning Bylaw No. 750, 2012, and amendments.

1.0 GENERAL PROVISIONS

- 1.1 Every **Applicant** and every **Licence Holder** must comply with all federal, provincial and municipal laws, bylaws, regulations and rules applicable to that type or class of business.
- 1.2 All definitions contained in the **Zoning Bylaw** shall apply to this bylaw in the same manner as if they were set out in this Bylaw.
- 1.3 A **Bylaw Officer** is deemed to be a peace officer in the course of their duties.
- 1.4 If any part of this bylaw is for any reason held invalid by any Court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remainder.

2.0 REQUIREMENTS FOR A BUSINESS LICENCE

- 2.1 Subject to section 2.2, a person shall not carry on a business within the **Village** unless the person holds a valid Licence or **Intermunicipal Business Licence**.
- 2.2 The following types of businesses do not require a **Licence**:
 - (a) yard or garage sales provided that the sales do not occur more than
 - (i) two (2) times in any given year at a location in a single family or two-family residential zone as designated in the **Zoning Bylaw**; or
 - (ii) two (2) times in any given year per building located in a multi-family residential zone as designated in the **Zoning Bylaw**;
 - (b) fund-raising activities held by educational organizations, churches, sports teams, or associations;

- (c) an activity undertaken by or on behalf of the Provincial Government, federal government or a corporation or agency of the government;
- (d) a person who conducts a program or course on behalf of the **Village**;
- (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 that the net proceeds are given to a charitable purpose;
- (g) a **Non-Resident Business** within one of the following categories:
 - (i) commercial travellers selling goods, wares or merchandise to merchants within the **Village** for resale by those merchants;
 - (ii) operators of vehicle, other than **Passenger Vehicle for Hire**, who pick up persons or items within the **Village** to transport outside the **Village** or drop off persons or items from outside of the **Village** within the **Village** or both;
 - (iii) operator of a **Passenger Vehicle for Hire** who only discharges persons within the **Village**;
 - (iv) operator of a retail business which is delivering or picking up items sold by the retail business;
 - (v) a wholesaler, manufacturer or processor delivering items to merchants in the **Village**; or
 - (vi) a person who practices a profession which is governed by its own legislation and does not carry on business in the **Village** more than thirty (30) days accumulatively within a calendar year.

2.3 A person who carries on the same business in or from more than one **Premises** in the **Village** must obtain and maintain separate **Licences** for each of the **Premises** used in the business.

2.4 A person who carries on more than one business at one (1) **Premises** must obtain and maintain separate **Licences** in respect of each business.

2.5 If more than one **Professional provide** services within the same **Premises**, each **Professional** must have a separate License.

2.6 A person shall not advertise, solicit or promote a business that is conducted within the **Village** without first obtaining a License for that business.

3.0 AUTHORITY OF LICENCE INSPECTOR

General Authority

3.1 The **Licence Inspector** may grant, issue, amend, cancel, refuse or renew a **Licence** pursuant to this bylaw.

3.2 Upon receiving a complete application for a Licence, the **Licence Inspector** may issue or renew the Licence if satisfied that the following requirements have been met:

- (a) the **Applicant** has paid the applicable fee for the **Licence**;
- (b) the **Applicant** is in compliance with the requirements of the **Village's** bylaws;
- (c) the **Applicant** has complied with any provincial requirements as to professional trade or other qualification or for any applicable Provincial Certificate of Proficiency or qualification for a particular business;
- (d) the **Applicant** can produce certificates or letters of approval issued by the Health Officer or by any other public official that the business and the **Premises** on which the business is located;
 - (i) have received any inspections or approval required under statute or regulation; and
 - (ii) otherwise complies with the requirements of the statute or regulation;
- (e) if applicable, the **Premises** in or upon which the **Applicant** proposes to carry on any business meets the standards set in the **Village's** bylaws or applicable provincial acts and regulations.

3.3 The **Licence Inspector** may approve the content and form of any **Application**, form or document used to administer this bylaw.

3.4 The following persons may enter, at any reasonable time, any property or **Premises**, or other place in respect of which a **Licence** may be or has been granted pursuant to this bylaw to ascertain whether there is compliance with the provisions of this bylaw or any other related bylaw in relation to the business or the **Premises**:

- (a) the **Licence Inspector**;
- (b) a **Bylaw Officer**;
- (c) a **Peace Officer**;
- (d) a **Health Officer**;
- (e) the **RCMP**;
- (f) a **Building Inspector**;
- (g) a member of the District's fire department; or
- (h) a person who, in the opinion of the **Licence Inspector**, would have the knowledge, skill, or expertise relevant and necessary to make a determination as to matters pertaining to the business at issue.

3.5 The following persons may enforce the provisions of this bylaw:

- (a) the **Licence Inspector**;
- (b) a **Bylaw Officer**;
- (c) a **Building Inspector**;
- (d) the **Fire Chief**;

- (e) a person designated by **Council** to perform fire safety inspections;
- (f) the Chief Administrative Officer or his or her designate.

3.6 A **Licence Holder** shall immediately notify the **Licence Inspector** of the suspension or cancellation of a certificate or letter of approval which has previously been given to the **Licence Inspector**.

Refusal, Suspension, Cancellation or Revocation of a License

3.7. The **Licence Inspector** may refuse an application for a Licence in any specific case, provided that the **Licence Inspector**:

- (a) does not unreasonably refuse the application; and
- (b) gives written reasons for the refusal upon request by the **Applicant**.

3.8 The **Licence Inspector** may cancel a **Licence** for the following reasons:

- (a) failure to pay the fee or any other charges;
- (b) the business is no longer in operation;
- (c) the **Licence Holder** requests the cancellation, in writing; or
- (d) the **Licence Holder** fails to renew the **Licence**.

3.9 The **Licence Inspector** may, for reasonable cause, do the following:

- (a) suspend a Licence for any length of time;
- (b) impose additional conditions on the Licence that relate to the reasons for the suspension and that will apply after the suspension; or
- (c) revoke a **Licence**.

3.10 If the **Licence Inspector** intends to take any of the actions listed in sections 3.7, 3.8 or 3.9, the **Licence Inspector** must do the following:

- (a) notify the **Licence Holder** of the intended action and the date on which the intended action will take place;
- (b) notify the **Licence Holder** that the business must cease operation as of the date of the written notice;
- (c) give written reasons for the intended action;
- (d) give the **Licence Holder** a copy of any written material relied upon by the **Licence Inspector** to take the intended action; and
- (e) provide instructions to the **Applicant** on the steps to take in order to remove the refusal, cancellation or suspension of the **Licence**.

3.11 Without limiting what constitutes reasonable cause, any of the following circumstances may constitute reasonable cause:

- (a) the **Licence Holder** fails to comply with this bylaw or a term or condition of the **Licence**;

- (b) the **Licence Holder** is convicted of an indictable offence in Canada which relates to the nature of the business or in respect of the business;
- (c) the **Licence Holder** is convicted of an offence under any of the **Village's** bylaws or has been convicted of an offence under a provincial or federal enactment in respect of the business or **Premises** for which the **Licence** was issued;
- (d) the **Licence Holder** ceases to meet the lawful requirements to carry on the business or with respect to the **Premises**, for which the **Licence** was issued;
- (e) the Licence Holder, in the opinion of the Licence Inspector, has engaged in serious misconduct which warrants the suspension or revocation of the **Licence**, if the misconduct is:
 - (i) with respect to the business; or
 - (ii) in or with respect to the **Premises** named in the **Licence**; or
- (f) the person, in the opinion of the **Licence Inspector**, has
 - (i) conducted business or performed a service in a manner that may be harmful or dangerous to the health or safety of another person actually or apparently under the age of 16; or
 - (ii) sold, displayed for sale or distributed to a person actually or apparently under the age of 16 anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen (16).

3.12 A person shall not carry on a business for which a **Licence** is required during a period of suspension of the **Licence**.

Reconsideration of the Decision

3.13 An **Applicant** or a **Licence Holder** whose Licence is subject to an action under sections 3.7, 3.8 or 3.9 may appeal to **Council** to reconsider the decision of the **Licence Inspector** and must;

- (a) give written notice to the **Corporate Officer** of their intention to appeal the decision of the **Licence Inspector** within ten (10) business days from the date the action takes effect; and
- (b) state in a concise manner the grounds upon which the appeal is based.

3.14 Upon receiving notice of the appeal under section 3.13, the **Corporate Officer** will refer the matter to **Council** and set the time and place for the hearing of the appeal.

3.15 Upon receiving an appeal for reconsideration, **Council** may

- (a) require any additional information that may be relevant;
- (b) hear from the **Licence Holder** whose **Licence** is subject to an action under sections 3.7, 3.8 or 3.9; and
- (c) hear from any other person whom **Council** considers may have information that is relevant to the decision.

3.16 **Council** may do any of the following with regards to an action taken under sections 3.7, 3.8 or 3.9:

- (a) confirm the decision of the **Licence Inspector**;
- (b) vary the decision of the **Licence Inspector**;
- (c) set aside the decision of the **Licence Inspector**; or
- (d) impose additional terms, conditions, restrictions or requirements on the **Licence** that **Council** deems appropriate.

3.17 A **Licence Holder** shall:

- (a) not carry on a business for which a **Licence** is required by this bylaw during the period stipulated by the **Licence Inspector** under section 5.4 regarding the **Licence**; and
- (b) comply with any term, condition, restriction or requirement imposed by the **Licence Inspector** or by **Council** pursuant to the business.

4.0 APPLICATION FOR A BUSINESS LICENCE

4.1 In order to obtain a **Licence**, an **Applicant** must:

- (a) complete the **Application** for a **Licence** provided by the **Village** or complete the application form available on the One Stop Business Registration website;
- (b) sign the **Application**;
- (c) submit the application to the **Village** or the **Licence Inspector**; and
- (d) pay the applicable **Licence Fee**.

4.2 An **Applicant** must provide the following information as part of the application:

- (a) detailed description of the business;
- (b) **Business Name**;
- (c) address and phone number of the business;
- (d) name, full address and phone number of the **Applicant**;
- (e) floor area in square metres which is occupied by the business; and
- (f) any other information the **Licence Inspector** may require.

4.3 An **Applicant** may be required to:

- (a) undergo a criminal record search by the **RCMP** for any convictions or outstanding charges that are relevant to carrying on the business in a lawful manner; and
- (b) pay any fees associated with the criminal record search.

4.4 An **Applicant** who applies online through the One Stop Business Registration website must provide the **Licence Inspector** with any additional information as may be reasonably required to verify the contents of the application including but not limited to valid **Picture Identification**.

- 4.5 If a partnership or firm carries on a business, then the partnership or firm is deemed to be in compliance with this bylaw, if one of the partners or members of the firm is the **Applicant** and makes the application in the name of the partnership or firm.
- 4.6 An **Applicant** and a **Licence Holder** must:
- (a) ensure that the information required for a **Licence** application is current, complete and accurate; and
 - (b) notify promptly the **Licence Inspector** of any errors, omissions or representations that may appear on the application.
- 4.7 A **Licence Holder** must promptly notify the **Licence Inspector** of any changes to the information on the application for which a **Licence** was issued.
- 4.8 A **Licence** is not valid until it has been issued by the **Licence Inspector**, and the **Applicant** has paid the **Licence Fee** in full.
- 4.9 **SECURITY SERVICES**
- (a) An Applicant for a business which is regulated under the **Security Services Act** must submit documentation to the **Licence Inspector** that the business and all its employees are licensed under the **Security Services Act**.
 - (b) The **Licence Inspector** may forward the application to the **RCMP** for review prior to the granting or renewal of the **Licence**.

5.0 CONDITIONS OF THE LICENCE

Effect of the Licence

- 5.1 Only a person named in the **Licence** may carry on the business described in the **Licence** and only at the **Premises** or location described in the **Licence**.
- 5.2 This bylaw does not create any duty of care whatsoever on the part of the **Village**, its elected and appointed officials, employees or agents in respect of:
- (a) the review of an application for a **Licence**;
 - (b) the issuance of a **Licence**;
 - (c) the inspection of **Premises** by the **Licence Inspector** or any other official, employee or agent of the Village; or
 - (d) the enforcement of this bylaw.
- 5.3 The **Village** does not, by issuing a **Licence**, acknowledge, represent or warrant that the business, applicant, **Licence Holder** or the **Premises** comply with the bylaws of the **Village** or with any other regulations or standards.

Posting of the Licence

- 5.4 A **Licence Holder** must, at all times,
- (a) post the **Licence** in a conspicuous place on the **Premises** for which the **Licence** is issued; or

- (b) carry the **Licence** with the person who is engaged in business within the **Village**, if the **Licence**:
 - (i) is issued to a **Non-Resident Business**;
 - (ii) is an Intermunicipal Business License; or
 - (iii) is issued to a business which is mobile in nature.

Duration of the Licence

- 5.5 The licensing year shall be from January 1 to December 31, unless otherwise specified in this bylaw.
- 5.6 Despite section 5.4, the following types of businesses may obtain a **Licence** for the following durations:
 - (a) a performance, concert, exhibition or entertainment function for up to a maximum of seven days; or
 - (b) a Mobile Vending business for up to one (1) year. (?)

Fees

- 5.7 A person shall pay the fees set out in Schedule A of this bylaw in order to apply for or to renew a Licence.
- 5.8 An **Applicant** who has completed an **Application** that has been refused by the **Licence Inspector** is entitled to a refund of 50% fees charged for that **Application**, if the refund is applied for within twenty (20) days after the date the **Application** is refused.
- 5.9 On or after July in any year, a new **Applicant** may pay a pro-rated License Fee of 50% in the first year of operation of the business in the following circumstances:
 - (a) the **Applicant** applies for a **Licence**; and
 - (b) the **Licence Inspector** grants the **Licence**.
- 5.10 **Council** considers registered, charitable societies or organizations to be contributing to the general interest and advantage of the **Village**. Every registered, charitable society or organization is required to hold a valid and subsisting **Licence**, however, the production of an approved non-profit or charitable society registration number allows the annual business licence fee to be waived.

Changes to the Business Licence

- 5.11 A **Licence Holder** must notify the License Inspector within seven days of any change to the business including but not limited to the following changes:
 - (a) in the location of **Premises**;
 - (b) to the **Business Name**;
 - (c) to the ownership of the business;
 - (d) to the termination of the business;
 - (e) to the category of business;

- (f) to the existing liquor license or addition of a liquor license to the existing business;
- (g) to the details provided in the **Application**;
- (h) to any term or condition on which the **Licence** was issued; or
- (i) that would increase the fee for the business.

5.12 For certainty, if a fee for a business is based on a variable factor such as:

- (a) floor area or ground area;
- (b) number of persons employed;
- (c) number of machines, appliances or rental units; or
- (d) some other factor used in the business,

then the **Licence Holder** who changes the variable factor upon which the fee is based shall notify the **Licence Inspector** within seven (7) days of the change and pay any additional fee as a result of the change.

5.13 The powers, conditions, requirements and procedures relating to the granting or refusal of a **Licence** shall apply to any application for change to a **Licence**.

5.14 A **Licence Holder** must not relocate the business from the **Premises** specified in the License without written approval of the **Licence Inspector**.

5.15 A **Licence** is not transferable to a new owner of an existing business.

Licence Renewal

5.16 A **Licence Holder** must ensure the **Licence** is renewed for each year that the **Licence Holder** carries on the business.

5.17 A **Licence Holder** must submit the applicable fee to the **Licence Inspector** prior to February 15th of the year for which the **Licence** is issued.

5.18 The receipt of the **Licence** shall be confirmation that the **Licence** has been renewed.

5.19 If a **Licence Holder** fails to comply with section 5.17, the **Licence Holder** must pay the **Licence Fee** and the penalty set out in Schedule A.

6.0 ADDITIONAL REQUIREMENTS FOR SPECIFIC BUSINESSES

Home Occupation

6.1 The **Licence Holder** for a **Home Occupation** must comply with the following requirements:

- (a) not stop or park or permit the stopping or parking at the **Premises** of:
 - (i) more than 1 **Service or Delivery Vehicle**, at any one time; or
 - (ii) more than 3 **Service or Delivery vehicles** during any 24-hour period.
 - (iii) and any other bylaw requirements according to Zoning Bylaw 750, 2012 and amendments.

Public, Farmer or Flea Market

6.3 Every **Applicant** for a **Public, Farmer or Flea Market Licence** must:

- (a) obtain a **Licence** that shall cover all the vendors participating in the market inclusive of mobile concessions;
- (b) prior to the event, confirm with each individual food vendor that they are following any conditions, restrictions or requirements of the **Village** and the local health authority by reviewing the relevant documentation; and
- (c) display the documentation during the operating hours of the event;
- (d) secure commercial general liability insurance of no less than \$2,000,000.00 which names the **Village** and the Regional District North Okanagan (RDNO) as additional named insureds.
- (e) ensure that all food vendors carry their own individual liability insurance in a form and on terms acceptable to the **Village** naming the **Village** and the RDNO as an additional named insured; and
- (f) ensure that food vendors without individual liability insurance do not operate on **Village** or on RDNO owned lands or **Premises**.

Second Hand Dealer

6.4 The **Licence Holder** for a **Second-Hand Dealer** must comply with the following requirements:

- (a) keep on the **Premises** a Register which is available for inspection at any time; written in ink and in English and includes the following details:
 - (i) a full and complete description including the make, model and serial number of any goods, items or articles received by the **License Holder**;
 - (ii) the price paid by the **License Holder** for the goods, items or articles;
 - (iii) date and hour when the **License Holder** purchased or received the goods, items or articles;
 - (iv) the name and residential address and description of the person from whom the **License Holder** purchased or received the goods, items or articles;
 - (v) confirmation, by means of **Picture Identification**, of the identity of the person from whom the **License Holder** purchased or received the goods, items or articles; and
 - (vi) a copy of the **Picture Identification** used to confirm the identity of the person from whom the **License Holder** purchased or received the goods, items or articles;

6.5 The **License Holder** for a **Second Hand Dealer** must not do the following:

- (a) Purchase or receive any goods, items or articles from a person who is under the age of eighteen (18):
- (b) Purchase or receive a good, item or article which has had the serial number removed; or

- (c) prior to the expiry of thirty (30) days from the date of purchase or receipt or from the date of any agreement do any of the following to the goods, items or articles purchased or received by the **License Holder**:
 - (i) alter;
 - (ii) repair;
 - (iii) dispose of;
 - (iv) part with in any manner; or
 - (v) remove from the **Premises**.

Special Events

6.6 The **License Holder** for a **Special Event** must comply with the following requirements:

- (a) have written authorization from the owner of the **Premises** on which the **Special Event** will be held;
- (b) have proof of the following levels of insurance being in place:
 - (i) commercial general liability with a minimum coverage of \$2,000,000.00 per incident; and
 - (ii) motor vehicle liability with a minimum coverage of \$2,000,000.00.
- (c) include the **Village** and the RDNO as an additional insured on any insurance policy for the types of insurance mentioned in subsection (b);
- (d) ensure that all machines, rides and equipment used by the public at the **Special Event** conforms to the safety requirements of the *Safety Standards Act*;
- (e) ensure that all elevating devices have identification label required by the *Safety Standards Act* visibly attached as required; and
- (f) hold a valid permit issued by a Health Officer for the sale of Food and Beverages.

Stationary Street Vendor

6.7 The **License Holder** for a **Stationary Street Vendor** must comply with the following requirements:

- (a) a **Stationary Street Vendor's** vehicle or trailer must be approved by an accredited certification or approval agency, such as CSA or BC Safety Authority;
- (b) a Stationary Street Vendor must operate on a **Vending Site** approved by the **Village**;
- (c) only one **Stationary Street Vendor** shall be permitted to operated on a **Vending Site**;
- (d) the **Stationary Street Vendor** shall ensure the vehicle or trailer is an adequate distance from structures, entrances and windows so as not to create a hazard or nuisance for occupants of the **Vending Site** and that it does not interfere with public safety or traffic;
- (e) a **Stationary Street Vendor** is only permitted to sell food and non-alcoholic beverages and must have a valid Ministry of Health Permit to operate;

- (f) a **Stationary Street Vendor's** vehicle or trailer must appear clean, tidy, rust free, and be kept in good condition;
- (g) a **Stationary Street Vendor's** vehicle which is operating on a municipal street cannot exceed a length of 6.7 metres (22 feet) and a width of 2.13 metres (7 feet);
- (h) a **Stationary Street Vendor** is permitted to operate from 9:00 am -9:00 pm;
- (i) the **Stationary Street Vendor's** vehicle or trailer must be portable and removed from the Vending Site at the close of each day of operation;
- (j) no more than two (2) chairs shall be permitted on a **Vending Site**;
- (k) no signage, buildings or structures associated with the **Stationary Street Vendor's** operation shall be erected on the **Vending Site** except as follows:
 - (i) signage affixed to the vehicle or trailer provided that the signage does not increase the unit's length, height or width; and
 - (ii) one sandwich board sign no more than three feet in width and four feet in height made of sturdy construction and placed so as not to create a hazard or nuisance for occupants of the **Vending Site** and that it does not interfere with public safety or traffic.
- (l) The **Stationary Street Vendor** is:
 - (i) responsible for all garbage and recycling associated with the business; and
 - (ii) must remove all recycling and garbage containers from the **Vending Site**; and
 - (iii) ensure that the Vending Site and the surrounding area is free of litter associated with the operation of the business;
- (m) In addition to the above requirements, a **Stationary Street Vendor** must:
 - (i) provide a letter of permission from the registered owner of the Vending Site permitting the **Stationary Street Vendor** to operate on the **Vending Site**;
 - (ii) maintain liability insurance of not less than \$2,000,000.00 which names the **Village** as an additional named insured;
 - (iii) if parking stalls are being used for the **Vending Site** they must be specifically designated and the number of remaining parking stalls must meet the current **Zoning Bylaw's** parking requirements; and
 - (iv) not use of permit the use or voice or music amplification in association with the operation on the **Vending Site**; and
- (n) a **Stationary Street Vendor** is not permitted to operate during Lumby Days.

Mobile Street Vendor

6.8 The **License Holder** for a **Mobile Street Vendor** must comply with the following requirements:

- (a) a **Mobile Street Vendor's** vehicle must be approved by an accredited certification or approval agency, such as CSA or BC Safety Authority;
- (b) a **Mobile Street Vendor** is only permitted to sell food and non-alcoholic beverages and must have a valid Ministry of Health Permit to operate;
- (c) a **Mobile Street Vendor's** vehicle or pedal powered cart must appear clean, tidy, rust free, and be kept in good condition;
- (d) a **Mobile Street Vendor** vehicle cannot exceed a length of 6.7 metres (22feet) and a width of 2.13 metres(7feet);
- (e) a **Mobile Street Vendor** is permitted to operate from 9:00 am to 9:00 pm;
- (f) except as provided in this bylaw, a **Mobile Street Vendor** must comply with all existing "Stopping and Parking Restrictions" and any other applicable restrictions apply to Mobile Street Vendors as stated in the **Village's** Good Neighbour Bylaw No. 877, 2022;
- (g) a **Mobile Street Vendor** must be continuously moving and only stop when temporarily lawfully parked on a **Village's** right-of-way, and when approached by a client. The duration of the stop will correspond to the time spent serving clientele, which will not exceed a ten (10) minute limit.
- (h) a **Mobile Street Vendor** must maintain liability insurance of no less than \$2,000,000.00 which names the Village as an additional named insured;
- (i) a **Mobile Street Vendor** must not use of permit the use or voice or music amplification in association with the operation on the Vending Site; and
- (j) a **Mobile Street Vendor** is not permitted to operate during Lumby Days.

Vending Machines or ATM

6.9 The **License Holder** for a **Vending Machine** or **ATM** must have a separate **Licence** for each **Vending Machine** or **ATM** kept on the **Premises**.

Passenger Vehicles for Hire

7.0 The Use of Passenger Vehicle for Hire is subject to the following requirements:

- (a) No person may operate a Passenger Vehicle for Hire without having obtained each of:
 - (i) a valid and subsisting license under this Bylaw to operate the Vehicle for Hire Service; and
 - (ii) for each vehicle used to provide the Vehicle for Hire Service, a valid and subsisting Vehicle for Hire License issued under this Bylaw;
- (b) The applicable license fee for a license under section 6.9 (a) is as set out in Schedule "A" of this Bylaw.
- (c) For clarity, the provision of this section are in addition to sections 1 – 5 of this Bylaw.
- (d) An application for a license for a Vehicle for Hire Service must include:

- (i) Proof satisfactory to the License Inspector that the applicant holds the Authorization from the province required to operate the type of Vehicle for Hire Service the applicant intends to operate, and that the Authorization permits the applicant to offer that service within the Village or the region in which the Village is located;
 - (ii) Proof satisfactory to the License Inspector that the driver or intended driver of the Passenger Vehicle for Hire holds a valid and subsisting Driver's License of the class required by the province to operate the Passenger Vehicle for Hire;
 - (iii) sufficient particulars of each vehicle for which a Vehicle for Hire License is sought, including VIN number, license plate, make, model, and whether the vehicle is an Accessible Vehicle or Zero Emission Vehicle.
- (e) A license issued under this section is not transferrable.
 - (f) The License Holder of a valid and subsisting license to operate a Vehicle for Hire Service may add a vehicle to its service by applying for a Vehicle for Hire License in respect of the vehicle to be added.
 - (g) For the purposes of Section 5.4 of this Bylaw, a Vehicle for Hire License must be displayed in a prominent place in the Passenger Vehicle for Hire which is reasonably visible to passengers within the vehicle.
 - (h) No person may operate a Passenger Vehicle for Hire that is not:
 - (i) in a safe condition;
 - (ii) in a clean condition;
 - (iii) in good repair.
 - (i) the License Holder of a Vehicle for Hire Service must maintain a valid and subsisting Authorization allowing that License Holder to operate a Vehicle for Hire Service within the Village, or within operating boundaries or regions designated by the Passenger Transportation Board which include the Village;
 - (j) the License Holder of a Vehicle for Hire Service must notify the Village immediately on any termination or modification of the Authorization applicable to the license;
 - (k) no person may stop or park a Passenger Vehicle for Hire in any bus stop or taxi stop, whether to pick up or drop off passengers, or otherwise;

(B/L 886, 2023)

Administration and Enforcement

8.0 Gender specific terms include both genders and corporations.

8.1 Words in the singular include the plural and words in the plural include the singular.

- 8.2 A person must not interfere with, obstruct or impede a person listed in section 3.4 or 3.5 in carrying out his duties under the bylaw.
- 8.3 A person who:
- (a) contravenes or violates any of the provisions of this bylaw;
 - (b) suffers or permits any act to be done in violation of this bylaw; or
 - (c) refuses or neglects to do anything required to be done by any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000 or to imprisonment for not more than six (6) months or both.
- 8.4 Each day that an offence continues shall constitute a separate offence.
- 8.5 This by-law may be cited as Business License By-law No. 884, 2023.
- 8.6 The Village of Lumby Business License Bylaw No. 795, 2017 and its amendments are repealed.

GAVE NOTICE OF INTENT this June 19, 2023.

AD's run in the local paper July 7th and 14th 2023.

GAVE OPPORTUNITY TO MAKE REPRESENTATION this July 17, 2023.

READ a first time this 19th of June, 2023.

READ a second time this 19th of June, 2023.

READ a third time this 19th of June, 2023.

ADOPTED this _____, 2023.

Mayor

Corporate Officer

**Schedule A
Licence Fees and Charges**

1.0 The following fees apply to a Licence.

Code	Classification	Factor	Fees
5040	Bed & Breakfast & Airbnb		\$ 100.00
2150	Cardlocks		\$ 200.00
5020	Campground	Per Unit	\$ 4.00 Max \$150.00
2010	Catering		\$ 75.00
1000	Contractors – all types		\$ 100.00
6110	Day Care (Adult or Child)		\$ 100.00
8000	Door to door sales		\$ 100.00
6010	Home Occupation		\$ 50.00
3010	Liquor Establishment such as Pubs or Lounges		\$ 75.00
9020	Medical Marijuana Production Facility		\$ 500.00
2050	Mobile Vending / Stationary Vending		\$ 100.00
5030	Mobile Home Park	Per unit	\$ 6.00
8900	Non-Profit Society		\$ 0.00
2210	Office	Less than 1,000 square feet	\$ 50.00
2220	Office	1,000 square feet to 4,999 sq ft	\$ 100.00
2230	Office	5,000 sq ft or greater	\$ 130.00
9000	Other		\$ 100.00
9300	Passenger Vehicle for Hire (for a vehicle that is not an Accessible Vehicle or a Zero Emission Vehicle)	Per unit	\$ 100.00
9310	Passenger Vehicle for Hire (Accessible)	Per unit	\$ 0.00
9320	Passenger Vehicle for Hire (Zero Emission)	Per unit	\$ 30.00
2310	Professional	All floor areas-Per Professional	\$ 100.00
9030	Public, Farmer or Flea Market	(indoor/outdoor)	\$ 150.00
5010	Rentals - apartments, motels, hotels,	Per unit	\$ 6.00 Max \$150.00
2020	Restaurant	Less than 25 seats	\$ 50.00
2030	Restaurant	25 seats or more	\$ 75.00
2110	Retail	Less than 1,000 square feet	\$ 50.00
2120	Retail	Between 1,000 and 4,999 square feet	\$ 75.00
2130	Retail	5,000 square feet or more	\$ 200.00
2140	Retail Sale of Cannabis Store		\$ 75.00
8030	Sawmills or Concrete Plants		\$ 150.00
9040	Secondhand Dealers		\$ 150.00
7010	Service and Repair	Less than 1,000 square feet	\$ 50.00
7020	Service and Repair	Between 1,000 and 4,999 square feet	\$ 75.00
7030	Service and Repair	5,000 square feet or more	\$ 200.00
6120	Specialized Care	Per unit	\$6.00 per unit Max \$100.00
9330	Vehicle For Hire Service	Per unit	\$ 100.00

2.0 The following rates will apply to a Licence:

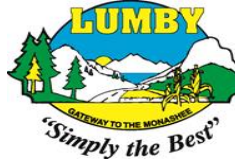
Failure to pay the Licence Fee by February 15th \$ 50.00

Per 7.5 Each day that an offence continues shall constitute a separate offence.

SCHEDULE B

VILLAGE OF LUMBY

PO Box 430, Lumby BC V0E2G0
 Telephone: (250) 547-2171
 Fax: (250) 547-6894



BUSINESS LICENCE APPLICATION

Pursuant to and subject to the provisions of the
 "Business Licence Bylaw No. 795, 2017"

THIS IS AN APPLICATION FOR (CHECK ALL THAT APPLY)		
<input type="checkbox"/> New Business Licence <input type="checkbox"/> Intermunicipal / Inter-Community Business Licence <input type="checkbox"/> Change of Ownership <input type="checkbox"/> Change of Name		
Business Name		Ownership Type
Owner(s)/Licencee(s)		Identification Type/No
Business Location		
Mailing Address		
Business Telephone Number	Business Fax Number	Business Email Address
Contact Person/Phone No.	Emergency Contact/Phone No.	Business Start Date
Type of Business (check all that apply and indicate total floor area for each use) <input type="checkbox"/> Home Based _____ <input type="checkbox"/> Industrial _____ <input type="checkbox"/> Non-Resident _____ <input type="checkbox"/> Commercial _____ <input type="checkbox"/> Not for Profit _____ <input type="checkbox"/> Other _____		
CRA Business Number	Trade Qualification Number	Are you renovating or altering the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No

IMPORTANT NOTICE

By submitting the Business Licence Application, the above named applicant hereby declares that all of the above information is correct and that they will comply with the bylaws and regulations of the municipality. The personal information on this form is collected under the authority of Business Licence Bylaw 795, 2017 and will be used only for the purposes related to this bylaw. For questions regarding the collection and use of personal information, please contact Deputy Corporate Officer Melanie Wenzoski at 250-547-2171. As a result of this application, issued permits and/or licenses will be routinely available to the public.

Signature of Applicant _____		Date _____
THIS SECTION FOR OFFICE USE ONLY		
Classification Code	Class Description	Annual Fee

Approvals Required:

	Signature:	Notes:	Date:
<input type="checkbox"/> Building Inspector			
<input type="checkbox"/> Fire Inspector			
<input type="checkbox"/> Health Inspector			
<input type="checkbox"/> Business Licence Inspector			