

## The Corporation of the City of Fernie



## Consolidated Business Licensing and Regulation Bylaw No. 2028

### Consolidated to:

- Bylaw No. 2260, Amend #1**
- Bylaw No. 2285, Amend #2**
- Bylaw No. 2290, Amend #3**
- Bylaw No. 2311, Amend #4**
- Bylaw No. 2325, Amend #5**
- Bylaw No. 2347, Amend #6**
- Bylaw No. 2414, Amend #7**
- Bylaw No. 2529, Amend #8**

All persons making use of this consolidated version of the City of Fernie Bylaw No.2028 are advised that has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaws must be consulted for all purposes of interpreting and applying the Bylaw. Subsections or sections of the original bylaw and or amendments which have been repealed have not been included in this consolidation.

Certified copies of all City bylaws are available from the City Clerk.

Amended 2024-08-19

**THE CORPORATION OF THE CITY OF FERNIE**

**BYLAW NO. 2028**

**A Bylaw to provide for the granting of Business Licences,  
to fix and impose Licence fees and to regulate business in the City of Fernie**

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**WHEREAS** pursuant to the provisions set out in the *Community Charter*, S.B.C. c 26, the Council of the Corporation of the City of Fernie has the authority to provide for a system of business Licences, permits or approvals;

**AND WHEREAS** Council of the Corporation of the City of Fernie deem it necessary to provide for the licensing and to regulate the operation of business;

**NOW THEREFORE** the Municipal Council of the Corporation of the City of Fernie, in open meeting assembled enacts as follows:

**Title**

1. This Bylaw may be cited as the **“Business Licencing and Regulation Bylaw”**.

**Definitions**

2. In this Bylaw:

Where the context requires, the singular includes the plural and the masculine includes the feminine and the neuter.

**“Accommodation Unit”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Business”** means every business, trade, profession, industry, or occupation, and the providing of goods and services, but does not include:

- (a) An activity carried on by the Provincial government, by corporations owned by the Provincial government, or by agencies of the Provincial government;
- (b) Non-profit societies or organizations and religious organizations, including a performance, concert, exhibition or entertainment of which the entire proceeds, above actual expenses, are devoted to a charitable, philanthropic or public education purpose;
- (c) An educational course or program provided by a community or continuing education facility, or by a school operated pursuant to the *School Act*, S.B.C. 1996; or successor legislation thereto;
- (d) A recreation program, activity or course conducted under the auspices or sponsorship of or with the approval of the Municipality;

- (e) Rental of the whole of a Dwelling Unit or two or fewer rooms of a Dwelling Unit or a Secondary Suite or Secondary Dwelling Unit where:
  - ii) if the Principal Dwelling Unit contains a Secondary Suite, or there is a Secondary Dwelling Unit, the Principal Dwelling Unit and Secondary Suite or Principal dwelling unit and Secondary Dwelling Unit remains part of a single legal title; and
  - iii) the interval at which rent is payable and the tenancy period on the Dwelling Unit, Secondary Suite, or Secondary Dwelling Unit or rooms in a Dwelling Unit is monthly or longer.
- (f) Businesses delivering merchandise directly to retailers for resale by them in the ordinary course of their business.
- (g) Employees of a business, or directors, partners or shareholders of a business or persons employed in (a) to (f) of this clause, excepting rental or property managers engaged for the rental or management of properties as set out in (e).

**“Condo/Hotel”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Council”** means the municipal council of the Corporation of the City of Fernie.

**“Dwelling Unit”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Dwelling Unit Secondary”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Dwelling, Single Detached”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Fixed Premises”** means a building or part of a building located on a parcel of land from which a business is operated.

**“Home Occupation”** means a permitted business as specified in the Municipal zoning bylaw which is carried on in a dwelling unit or permitted accessory building by an occupant thereof.

**“Hotel”** means: as defined in the Consolidated Zoning Bylaw No. 1750, as amended from time to time.

**“Inter-Community Business Licence (“ICBL”)”** means a business licence which authorizes a Mobile Business to be carried on within the boundaries of any or all Participating Municipalities in accordance with the Inter-Community Business Licence Bylaw.

**“Licence”** means a licence to carry on a business in the City of Fernie;

**“Licence Inspector”** means:

- (a) Bylaw Enforcement Officer;
- (b) Building Official;
- (c) Manager of Planning;
- (d) Director of Corporate Administration Services;
- (e) A person who is acting in the capacity of any of the foregoing; or
- (f) Persons appointed by Council from time to time to administer this Bylaw;

**“Location”** means premises with a single civic address, notwithstanding that the premises may occupy more than one legal lot.

**“Mobile Business”** means a Business that performs a service within more than one Participating Municipality, and who provides the service by travelling from customer to customer, or transporting customers, rather than having customers attend at their Premises.

**“Mobile Vendor”** means a Business utilizing a Mobile Vending Vehicle or Mobile Vending Food Cart for the purpose of:

- (a) vending food and non-alcoholic food beverages; or
- (b) offering for sale goods, wares, merchandise or articles on a retail basis.

**“Mobile Vending Food Cart”** means a non-motorized vehicle which is intended for retail sale of food and non-alcoholic beverages including but not limited to ice cream vending.

**“Mobile Vending Vehicle”** means a commercially insured and registered motor vehicle which is specifically designed and used for selling food, beverages, or merchandise for retail sale, but does not include vending machines or vehicles designed or intended for the transport only of food, beverages or merchandise.

**“Municipality”** means the Corporation of the City of Fernie;

**“Non-Resident Business”** means a Mobile Business that does not maintain a Premises in any of the Participating Municipalities;

**“Participating Municipality”** means the following municipalities:

- District of Elkford
- The Corporation of the City of Fernie
- District of Sparwood

**“Person”** means any individual, firm, corporation or individuals associated for the purpose of carrying on a business.

**“Premises”** means a building, portion of a building or an area of land where a business is carried on;

**“Principle Dwelling Unit”** means a Dwelling Unit on a parcel that has the greater parcel coverage than other buildings or structures on a parcel.

**“Principal Municipality”** means the Participating Municipality, where a Business has a Premises, or where a Non-Resident Business obtains a Municipal Business Licence and that issues a Non-Resident Business and Inter-Community Business Licence.

**“Principal Residence”** means the dwelling unit that a person resides in and that a person stipulates for legal purposes, including voter registration, filing of income taxes, British Columbia driver’s licence, British Columbia Medical Services Plan, and British Columbia Identification Card.

**“Short-Term Rental”** means a business operated by a person in their Principal Residence where the whole or part of that Principal Residence is advertised or available for lease, rent or exchange for periods of less than 30 days.

**“Zoning Bylaw”** means Zoning Bylaw, Bylaw No. 1750, as amended and repealed and replaced from time to time.

Any capitalized term in this Bylaw shall have the same meaning as defined by Zoning Bylaw, Bylaw No. 1750, unless otherwise defined in this Bylaw.

### **Requirement for Business Licence**

3. (1) No person shall carry on, within the Municipality, any business unless the owner or operator thereof:
  - (a) is the holder of a valid Licence issued pursuant to this Bylaw and has paid to the City the prescribed fee; or
  - (b) is the holder of a valid ICBL pursuant to the Corporation of the City of Fernie Inter-Community Business Licence Bylaw No. 2308, 2016.
- (2) The initial application for a Licence and as required by the Licence Inspector shall be in a form as prescribed by the Mayor and Council of the Municipality from time to time.
- (3) No Licence shall be issued to a person for a business unless:
  - (a) the zoning of the location of the business permits such business activity; and,
  - (b) the owner or operator of such business complies with all Municipal Bylaws that are applicable to such business or location; and, if applicable,
  - (c) in the event that the proposed Location or Premises are not owned by the person applying for a Licence, evidence satisfactory to the Licence Inspector of the owners consent to such business being carried on at such Location or premises.

- (4) A business that is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the Licence Inspector of compliance with such Acts or Regulations and any such business shall, as a condition of any Licence, be in compliance with such Federal or Provincial Acts or Regulations and all Municipal Bylaws.
- (5) In the event that two or more persons are each carrying on separate business's from the same Premises or Location, each person requires a separate Licence.
- (6) Where a Mobile Business is carried on in more than one Participating Municipality, with The Corporation of the City of Fernie being the Principal Municipality, and the business meets the criteria set forth in the Inter-Community Business Licence Bylaw No. 2308, 2016, such business will be deemed eligible to apply for an ICBL.

#### **Licence Inspector Powers**

4. (1) The Licence Inspector shall have the power to grant, issue, suspend, cancel or transfer Licences in accordance with and subject to the terms and conditions set out in this Bylaw or any other Bylaw of the City of Fernie.

#### **Term of Licence**

5. (1) Except as otherwise provided, the Term of Licence shall be
  - For an eight (8) month period commencing on the 1<sup>st</sup> day of May 2016 and expire on the 31<sup>st</sup> day of December 2016; and
  - Granted on an annual basis thereafter commencing on the 1<sup>st</sup> day of January and expiring on the 31<sup>st</sup> day of December.

#### **License Fees, Refunds and prorating of Licences**

6. (1) Any person who applies for a Business Licence shall pay at the time of application the applicable licence fee as prescribed in Schedule "A" attached hereto and forming a part of this Bylaw.
- (2) No annual Licence fee shall be refunded in the event that a person ceases to carry on the business during the term of the Licence. A Licence fee shall only be refunded if the application for a License is withdrawn prior to issuance of the Licence, or if issuance of a Licence is refused.
- (3) Where an applicant becomes Licenced after the first day of July in any calendar year, excluding the year 2016, the Licence fee shall be one-half of the Annual Fee set forth in Schedule "A".

**Licence Renewals**

7. (1) The Licence Inspector may make available to all Licencees an invoice and renewal form on or before the expiry of the existing Licence in each year, provided that the failure of the Licence Inspector to do so shall not relieve any person operating a business from the obligation to have a valid and subsisting Licence.
- (2) A Licencee who proposes to renew a Business Licence shall obtain, complete and submit the renewal form and annual Licence fee to the Licence Inspector not later than January 1<sup>st</sup> in each year.

**Separate Licence for each Location**

8. (1) A business being carried on at more than one location owned by the same person, shall obtain a separate licence for each location.

**Transfer of Location, change or sale of a Business**

9. (1) No person shall change the location of a business without first applying to transfer the Licence in the form prescribed by the Licence Inspector, paying the fee set out in Schedule "A" and obtaining the approval of the Transfer of Licence by the Licence Inspector.
- (2) In the event of any person who is the holder of a Licence, during the term the Licence, changes the nature, character, kind or description of the business carried on, or engages in any other further or additional business on the premises, shall forthwith notify the Licence Inspector of such in writing and apply for such other, further or additional Licence as shall be applicable or required under the provisions of this Bylaw.

**Posting Licence**

10. (1) Any person issued a Business Licence under this Bylaw shall at all times keep the Licence prominently displayed in a place on the Dwelling Unit to which the public has access.

**Mobile or Street Vending**

11. (1) A person shall not offer for sale, lease or rent, any goods or merchandise on any streets or boulevards within the Municipality, excepting a Mobile Vendor who has been issued a Licence pursuant to this bylaw.
- (2) A business entity carrying on a business as a Mobile Vendor must first obtain a business licence for each Mobile Vending Vehicle or Mobile Vending Food Cart.
- (3) Council may establish by resolution areas within the Municipality in which licensed Mobile Vendors are prohibited from operating, notwithstanding that a

Mobile Vendor may have a valid and subsisting Licence and have paid the applicable site fee.

- (4) Despite Section 11.2 before commencing operations in any park owned or occupied by the Municipality, a business entity must first obtain permission from the Municipality.
- (5) Before commencing operations on private property, a business entity must first supply the License Inspector with a written letter of permission from the owner of the property on which the Mobile Vendor will be locating.
- (6) A business entity carrying on business as a Mobile Vendor must comply with the regulations set out in Schedule “B” of this Bylaw.

### **Short-Term Rental**

12. (1) No person shall offer or advertise for lease, rent or barter any portion of a dwelling unit for Short-Term Rental for valuable consideration unless in possession of a valid and subsisting business licence for Short-Term Rental for such dwelling unit pursuant to this bylaw.
- (2) Tenants who apply for a Short-Term Rental business licence for a dwelling unit must provide the Licence Inspector with written consent from the owner of the dwelling unit to operate the Short-Term Rental prior to issuance of a business licence.
- (3) Only one Short-Term Rental business licence may be issued for a dwelling unit.
- (4) No Short-Term Rental business licence shall be issued unless the regulations set out in Schedule “C” are complied with and no Short-Term Rental shall be carried out unless in compliance with the regulations set out in Schedule “C” of this bylaw.
- (5) All Short-Term Rental business licences are issued subject to the following conditions:
  - i. A Short-Term Rental operator shall provide two (2) parking spaces of dimensions specified in the Zoning Bylaw located on the parcel the business licence is issued for.
  - ii. Parking spaces must be cleared of snow and ice in accordance with the Snow and Ice Removal Bylaw, Bylaw 1928 .

iii. All licensees shall at all times provide to the City the name of a contact person and their current telephone number who is available to respond within 24 hours of being contacted by the City. Failure to respond to the City within 24 hours constitutes a violation of this Bylaw.

(6) An operator of a Short-Term Rental business may employ additional staff members to assist on site with the operation of the Short-Term Rental in accordance with the following:

i. In commercial zones as specified b Zoning Bylaw No. 1750, up to two (2) additional staff members are permitted.

ii. In residential zones as specified by Zoning Bylaw No. 1750, one (1) additional staff member is permitted.

(7) All electronic advertisements for Short-Term Rental must include the licensee's Short-Term Rental business licence number.

### **Right of Inspection**

13. (1) Every holder of a licence issued pursuant to this Bylaw shall permit reasonable access to the Licence Inspector to the premises at which business is being carried on for the purpose of ensuring that the requirements of the Bylaw are being complied with.
- (2) Any person who applies for a business licence and requires an inspection for building or fire code shall pay at the time of application the applicable fees as prescribed in Schedule "A" of this Bylaw. Such inspections shall not be required if the building where such business is proposed to be carried on is subject to an open and valid building permit for such type of business.

### **Suspension or Cancellation of Licence**

14. (1) The Licence Inspector is delegated authority to suspend or cancel a Licence for:
- a) failure of the holder of a License to comply with a term or condition of a Licence, permit or approval; or
  - b) failure of the holder of a License to comply with a Bylaw of the Municipality where such non-compliances arises from the carrying on of the Licensed business.

- (2) The suspension or cancellation of the Licence shall be made in writing, signed by the Licence Inspector and served on the Licencee at the address given by the Licencee on the application form for the Licence, or his or her last known address, or delivered to the Licencee by registered mail.
- (3) A Notice of suspension or cancellation may be posted by the Licence Inspector upon the premises for which the Licence was issued and the notice shall not be removed until the Licence is reinstated, or the suspended Licencee ceases to occupy the premises, or a new Licence is issued for the premises.
- (4) No person shall carry on a business for which a Licence required by this Bylaw is under suspension or cancellation.
- (5) A Licencee that has had a Licence suspended, cancelled or denied may appeal the decision of the Licence Inspector to Council.
- (6) A Licencee that appeals to the Council of a decision of the Licence Inspector shall, within ten (10) days from the date of suspension, denial or cancellation give to the Director of Corporate Administration Services notice in writing of the intention to appeal. The notice of intention to appeal shall state concisely the grounds upon which the appeal is based.
- (7) The Director of Corporate Administration Services shall refer the matter to the next Regular Council Agenda for a hearing.

**Offence**

15. (1) A person is guilty of a contravention of this Bylaw and commits an offence who:
- a) violates any conditions of their licence;
  - b) violates any provisions of this bylaw;
  - c) causes or permits any act or thing to be done in contravention or violation of any provisions of this bylaw;
  - d) neglects or omits to do anything resulting in a contravention of this bylaw.
  - e) For each day that a contravention of this bylaw occurs, such shall constitute a separate and distinct offence.
  - f) Every person who commits an offence under this bylaw is liable to:
    - i. a fine and penalty of not more than \$1,000.00 and not less than \$100.00 for each offence if issued a violation ticket;

ii. a fine and penalty of not more than \$10,000.00 and not less than \$500.00 for each offence if prosecuted pursuant to the provisions of the *Offence Act*, R.S.B.C., Chapter 338.

(2) The Municipality may restrain a person who contravenes this Bylaw by making application to a Court of competent jurisdiction for injunctive relief in addition to any penalty that may be imposed pursuant to 14(1) hereof.

**Repeal**

16. Bylaw No. 1755, cited as the *Business Licencing and Regulation Bylaw* and all amendments thereto are hereby repealed.

**Effective Date**

17. (1) This Bylaw shall be in force and effective on the date of its adoption.

Introduced and read a first time this 13<sup>th</sup> day of February, 2006.

Read a second time as amended this 13<sup>th</sup> day of February, 2006.

Re-read a second time, as amended this 27<sup>th</sup> day of February, 2006.

Read a third time this day 27<sup>th</sup> of February, 2006.

Finally passed and adopted this 13<sup>th</sup> day of March, 2006.

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MAYOR

\_\_\_\_\_  
CLERK

**I hereby certify the forgoing to be the original Bylaw No. 2028**

## **Schedule "A"**

### **FEES**

- A. Licence other than a Short-Term Rental (Annual Fee) **\$100**
- B. Short-Term Rental-Primary Residence (Annual Fee) **\$500**
- C. Short-Term Rental-Condo/Hotel-Full Ownership (Annual Fee) **\$700**
- D. Short-Term Rental-Each Quarter Share (Annual Fee) **\$175**
- E. Change of business location **\$20**
- F. Transfer of Licence to new owner **\$20**
- G. Change of business name **\$20**
- H. Short-Term Rental Change of Contact Number **\$20**
- I. Inspection fee including initial and follow-up business inspection for Fire or Building Code **\$150**
- J. Additional Fire or Building Code Inspection Fee **\$150 per inspection**
- K. Two or more persons selling crafts, art, photography, pottery, and other handmade items from one location, commonly referred to as an artists' co-op, and includes craft fairs with a duration of three consecutive days or less **\$80**

**Schedule "B"**  
**Mobile Vendor Regulations**

1. Mobile Vendors must operate only from within a Mobile Vending Vehicle or Mobile Vending Food Cart.
2. A maximum of two persons may operate a Mobile Vendor business at any time.
3. A Mobile Vendor must relocate or remove their Mobile Vending Food Cart or Mobile Vending Vehicle at the direction of the Licence Inspector to accommodate special events, construction or repairs or where the Mobile Vending Food Cart or Mobile Vending Vehicle is in violation of this Bylaw.
4. A Mobile Vendor is not permitted to operate on any highway, sidewalk or other City owned property between the hours of 3:00 a.m. and 7:00 a.m. each day.
5. Mobile Vendors must provide the following documentation prior to obtaining a business licence:
  - a) an Indemnity in favour of the City of Fernie in form and content satisfactory to the Director of Corporate Administration Services; and
  - b) proof of third party liability insurance of not less than Five Million (\$5,000,000.) dollars with the City of Fernie as an additional named insured;

in addition a Mobile Vendor operating a Mobile Vending Vehicle must provide proof of registration for all Mobile Vending Vehicles.
6. Mobile Vendors selling or distributing items intended for human consumption must have a valid and subsisting Public Health Certificate.
7. Mobile Vendors shall be responsible for cleaning up litter generated within 25 metres of their location and shall be responsible for providing garbage receptacles and removal of all collected garbage from their location.
8. Mobile Vendors are not permitted to provide any form of music or voice amplified device. All soliciting will be done at a level speaking voice.
9. In addition to the Business Licence fee, a Mobile Vendor shall pay an annual site fee of \$250.00, if the Mobile Vendor is operating on or from a highway, sidewalk or lands owned by the City. The site fee shall be paid prior to the issuance of a Business Licence and shall not be prorated or refundable.
10. A Mobile Vending Food Cart or Mobile Vending Vehicle shall not obstruct or impede the flow of pedestrian or vehicle traffic on any sidewalk or highway or City owned or occupied park.

11. A Mobile Vending Food Cart or Mobile Vending Vehicle shall be maintained in a clean and safe manner.
12. A Mobile Vending Food Cart or Mobile Vending Vehicle is not permitted to be parked on any street, road, sidewalk or other City owned property between the hours of 3:30 a.m. and 7:00 a.m., excepting on a highway directly adjacent to premises owned or occupied by the Mobile Vendor.
13. Mobile Vending Vehicles shall not be greater than 2.43 m in width (7.9 ft) or 10.0 m (32.8 ft) in length.
14. Mobile Vending Vehicles shall not be permitted to operate in any area other than the C1 Retail Commercial Zone as designated in the City of Fernie Zoning Bylaw.
15. Notwithstanding Section 14 above, Mobile Vending Vehicles are prohibited from operating in all areas of the Historic Downtown Development Permit Area as defined in the City of Fernie Official Community Plan Bylaw except in the designated area located on 6th Street between 1st and 2nd Avenues.
16. Mobile Vending Food Carts and Mobile Vending Vehicles operating outside of the Historic Downtown Development Permit Area are prohibited from operating within 50 metres of a fixed premise as measured from the nearest:
  - a. public entrance to the business's fixed premises; or
  - b. public entrance to the building in which the business's fixed premises are locatedand that is open and offering for sale similar food, beverages, goods, wares, merchandise or articles.
17. Section 15 and 16 above do not apply to Mobile Vending Food Carts that are stationary for not more than 30 minutes and not within a 100 meter radius of the immediately preceding location.

**Schedule "C"**

1. All Short-Term Rental business licences are valid only for the Principal Residence which has been granted the licence. If at any time the location ceases to be the licensee's Principal Residence, the licence terminates.
2. Any applicant for a Short-Term Rental Business licence must provide adequate evidence that the subject property is their Principal Residence by production of a copy of the previous year's Home Owner Grant or if a tenant a government issued identification showing their address or a voter registration card.
3. Applicants must ensure they conform with all regulations contained within the Short-Term Rental business licence bylaw and Short-Term Rental Self-Inspection Checklist prior to applying. Short-Term Rental business licence applicants must submit a completed Self-Inspection Checklist declaring their compliance for each item, duly signed by the business licence applicant.
4. Short-Term Rentals are not permitted in secondary suites and secondary dwelling units. Unless it is the entire dwelling, permanent cooking facilities are not permitted in the Short-Term Rental area.
5. Short-Term Rental business licences shall not be transferable. For greater certainty, on sale or transfer of an interest in a dwelling unit, excepting by way of mortgage, the Short-Term Rental business licence shall terminate.
6. No Short-Term Rental business licence shall be issued unless the dwelling unit complies with all applicable bylaws of the City.

**LIST OF AMENDMENTS**

Bylaw	Amendment	Adoption Date
<p><b>2260</b> <b>Amend # 1</b></p>	<p>Amend Schedule "B" to Business Licensing and Regulation Bylaw No. 2028, 2003 by means of limiting the location and hours of operation for mobile street vendors</p> <p><b>Schedule "B"</b></p> <p><b><u>Mobile and Street Vending Regulations</u></b></p> <ol style="list-style-type: none"> <li>1. All Mobile or Street vendors must be self-contained.</li> <li>2. Mobile or Street Vendors are limited to the sale of food and/or beverages.</li> <li>3. All Mobile or Street vendors must provide an Indemnity in favour of the City of Fernie in form and content satisfactory to the Director of Corporate Administration Services and proof of third party liability insurance of not less than Two Million (\$2,000,000.) Dollars, with the City of Fernie as an additional named insured.</li> <li>4. Mobile or Street Vendors shall be permitted to operate on the east side of 2<sup>nd</sup> Avenue between 7<sup>th</sup> and 9<sup>th</sup> Streets, whereby their product does not compete with Licenced businesses operating from fixed premises.</li> <li>5. Mobile or Street Vendors shall not occupy a space in excess of 9.3 square meters and in no event shall the width of any cart, vehicle, trailer or unit utilized for such business exceed 2.43 meters in width or 4.6 meters in length.</li> <li>6. Mobile or Street Vendors must provide their own adequate garbage containers at their location.</li> <li>7. The operator of a Mobile or Street vending unit shall be responsible for cleaning up of the litter generated within 25 metres of their location and shall be responsible for removal of all collected garbage from their location.</li> <li>8. A maximum of one additional employee will be permitted to assist the operator of a mobile or street vending unit at any time.</li> <li>9. At no time will it be permitted for a mobile or street vendor to obstruct or impede the flow of pedestrian or vehicle traffic on any sidewalk or highway or City owned or operated park.</li> <li>10. A mobile or street vending unit is not permitted to sell goods on any street, road sidewalk or other City owned property between the hours of 3:00 a.m. and 7:00 a.m. each day and in all cases, no mobile or street vending unit is permitted to be located on any street, road, sidewalk or other City owned property between the hours of 3:30 a.m. and 7:00 a.m.</li> <li>11. Mobile of Street Vendors must have a valid and subsisting Public Health Certificate.</li> <li>12. In addition to the Business Licence fee, a mobile or street vendor shall</li> </ol>	<p><b>Defeated</b> <b>2014-07-28 R</b></p>

	<p>pay an annual site fee, in the amount of \$250.00, if the unit is being placed on City owned lands. The site fee shall be paid prior to the issuance of a Business Licence and shall not be prorated or refundable.</p> <p>13. Mobile or Street Vendors must relocate or remove their operation and equipment at the direction of the Licence Inspector to accommodate special events, construction or repairs or where the unit is deemed to be in violation of S. 4 or 9 hereof.</p> <p>14. No form of music or voice amplified device will be permitted. All soliciting will be done at a level speaking voice with no shouting.</p> <p>15. All mobile or street vending units shall be maintained in a clean and safe manner and the Licence Inspector shall have the right to inspect the units at any time.</p>	
<p><b>2285 Amend # 2</b></p>	<p>1) Amend Section 3 to increase the minimum level of third party liability insurance from Two Million \$2,000,000 Dollars to Five Million \$5,000,000 Dollars.</p> <p>2) Delete Section 4 in its entirety and renumber the subsections that follow accordingly.</p> <p>3) Add a new Section 15 as follows: Mobile or Street Vendors are prohibited from operating in all areas of the Historic Downtown Development Permit Area as defined in the City of Fernie Official Community Plan Bylaw with the exception of the area located in Station Square on 6th Street between 1st and 2nd Avenues</p> <p>4) Add a new Section 16 as follows: Mobile or Street Vendors operating outside of the Historic Downtown Development Permit Area as defined in the City of Fernie Official Community Plan Bylaw are prohibited from operating within 50 metres of a fixed premises food and/or beverage establishment that is open and operating (unless written permission is obtained from the operator) as measured from the nearest: Public entrance to the food and/or beverage establishment, or  Public entrance of the building in which the food and/or beverage establishment is located.</p> <p>5) Add a new Section 17 as follows:  Sections 15 and 16 above do not apply for Mobile or Street Vendors that are stationary for less than 30 minutes in one location.  Amend revised Schedule "B"</p>	<p><b>2015-12-14 R</b></p>
<p><b>2290 Amend # 3</b></p>	<p>Strike out Section 5 (1) Term of Licence in its entirety and replace with the following Section 5 (1) Term of Licence:</p> <p>5. (1) Except as otherwise provided, the Term of Licence shall be (a) for an eight (8) month period commencing on the 1st day of May 2016 and expire on the 31st day of December 2016; and (b) granted on an annual basis thereafter commencing on the 1st day of January and expiring on the 31st day of December.</p>	<p><b>2016-03-29 R</b></p>

	<p>Strike out duplicate Section 6. (2) in its entirety which states:</p> <p>Where an applicant becomes Licenced after the first day of November in any calendar year, the Licence fee shall be one-half of the set forth in Schedule "A", excepting the site fees payable by mobile or street vendors.</p> <p>Insert new Section 6. (3) as follows:</p> <p>Where an applicant becomes Licenced after the first day of August in any calendar year, excluding the year 2016, the Licence fee shall be one-half of the Annual Fee set forth in Schedule "A".</p> <p>Amend Schedule "A" fees by adding the following text:</p> <p>A Business Licence fee for the period May 1, 2016 through December 31, 2016 only shall be reduced to \$55.00 to reflect an 8 month Term of Licence for that time period.</p> <p>Amend Section 7 (2) by striking out the words <i>May 1st</i> and replacing with the words <i>January 1st</i>.</p>	
<p><b>2311 Amend # 4</b></p>	<p>Section 2 Definitions is amended by adding the following definition:</p> <p><b>"Inter-Community Business Licence ("ICBL")"</b> means a business licence which authorizes a Mobile Business to be carried on within the boundaries of any or all Participating Municipalities in accordance with the Inter-Community Business Licence Bylaw.</p> <p><b>"Mobile Business"</b> means a Business that performs a service within more than one Participating Municipality, and who provides the service by travelling from customer to customer, or transporting customers, rather than having customers attend at their Premises.</p> <p><b>"Non-Resident Business"</b> means a Mobile Business that does not maintain a Premises in any of the Participating Municipalities.</p> <p><b>"Participating Municipality"</b> means the following municipalities:</p> <ul style="list-style-type: none"> <li>• District of Elkford</li> <li>• The Corporation of the City of Fernie</li> <li>• District of Sparwood</li> </ul> <p><b>"Principal Municipality"</b> means the Participating Municipality, where a Business has a Premises, or where a Non-Resident Business obtains a Municipal Business Licence and that issues a Non-Resident Business and Inter-Community Business Licence.</p> <p>3. Replace Section 3 (1) in its entirety with the following:</p> <p>3 (1) No person shall carry on, within the Municipality, any business unless the owner or operator thereof:</p> <p>(a) is the holder of a valid Licence issued pursuant to this Bylaw and has paid to the City the prescribed fee; or</p> <p>(b) is the holder of a valid ICBL pursuant to the Corporation of the City of Fernie Inter-Community Business Licence Bylaw 2308, 2016.</p> <p>4. Add Section 3 (6) as follows:</p> <p>(6) Where a Mobile Business is carried on in more than one Participating Municipality, with The Corporation of the City of Fernie being the Principal Municipality, and the business meets the criteria set forth in the Inter-Community Business Licence Bylaw 2308, 2016, such business will be</p>	<p><b>2016-11-28</b></p>

	<p>deemed eligible to apply for an ICBL.</p> <p>5. Section 6 (3) is amended by replacing the word “August” with the word “July”.</p> <p>6. Schedule “A” is replaced with Schedule “A” attached hereto and forming part of this bylaw.</p>	
<p><b>2325 Amend # 5</b></p>	<p>Section 2 of the Business Licensing and Regulation Bylaw, Bylaw No. 2028 is amended as follows:</p> <p>.1 Subsection (e) of the definition of “Business”, be deleted and the following substituted therefore:  <i>(e) Rental of the whole of a Dwelling Unit or two or fewer rooms of a Dwelling Unit or a Secondary Suite or Secondary Dwelling Unit where:</i>  <i>ii) if the Principal Dwelling Unit contains a Secondary Suite, or there is a Secondary Dwelling Unit, the Principal Dwelling Unit and Secondary Suite or Principal dwelling unit and Secondary Dwelling Unit remains part of a single legal title; and</i>  <i>iii) the interval at which rent is payable and the tenancy period on the Dwelling Unit, Secondary Suite, or Secondary Dwelling Unit or rooms in a Dwelling Unit is monthly or longer.</i></p> <p>.2 Subsection (g) of the definition of “Business” as amended, be deleted and the following definition be substituted:  <i>(g) Employees of a business, or directors, partners or shareholders of a business or persons employed in (a) to (f) of this clause, excepting rental or property managers engaged for the rental or management of properties as set out in (e).</i></p> <p>3. Section 2 of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended to add the following definitions:</p> <p><b>“PRINCIPAL DWELLING UNIT”</b> means a Dwelling Unit on a parcel that has the greater parcel coverage than other buildings or structures on a parcel.  <b>“PRINCIPAL RESIDENCE”</b> means the dwelling unit that a person resides in and that a person stipulates for legal purposes, including voter registration, filing of income taxes, British Columbia driver’s licence, British Columbia Medical Services Plan, and British Columbia Identification Card.  <b>“SHORT-TERM RENTAL”</b> means a business operated by a person in their Principal Residence where the whole or part of that Principal Residence is advertised or available for lease, rent or exchange for periods of less than 30 days.  <b>“ZONING BYLAW”</b> means Zoning Bylaw, Bylaw No. 1750, as amended and repealed and replaced from time to time.  Any capitalized term in this Bylaw shall have the same meaning as defined by Zoning Bylaw, Bylaw No. 1750, unless otherwise defined in this Bylaw.</p> <p>4. Section 4(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:</p> <p><i>4. (1) The Licence Inspector shall have the power to grant, issue, suspend, cancel or transfer Licences in accordance with and subject to the terms and conditions set out in this Bylaw or any other Bylaw of the City of Fernie.</i></p> <p>5. Section 10(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:</p> <p><i>10. (1) Any person issued a Business Licence under this Bylaw shall at all times keep the Licence prominently displayed in a place on the Dwelling Unit to which the public has access.</i></p> <p>6. The Business Licencing and Regulation Bylaw, Bylaw No. 2028 be amended by adding the following as Section 12 as follows:</p>	<p><b>2017-10-30</b></p>

	<p><i>Short-Term Rental</i></p> <p>12. (1) No person shall offer or advertise for lease, rent or barter any portion of a dwelling unit for Short-Term Rental for valuable consideration unless in possession of a valid and subsisting business licence for Short-Term Rental for such dwelling unit pursuant to this bylaw.</p> <p>(2) Tenants who apply for a Short-Term Rental business licence for a dwelling unit must provide the Licence Inspector with written consent from the owner of the dwelling unit to operate the Short-Term Rental prior to issuance of a business licence.</p> <p>(3) Only one Short-Term Rental business licence may be issued for a dwelling unit.</p> <p>(4) No Short-Term Rental business licence shall be issued unless the regulations set out in Schedule "C" are complied with and no Short-Term Rental shall be carried out unless in compliance with the regulations set out in Schedule "C" of this bylaw.</p> <p>(5) All Short-Term Rental business licences are issued subject to the following conditions:</p> <p>i. A Short-Term Rental operator shall provide two (2) parking spaces of dimensions specified in the Zoning Bylaw located on the parcel the business licence is issued for.</p> <p>ii. Parking spaces must be cleared of snow and ice in accordance with the Snow and Ice Removal Bylaw , Bylaw 1928 .</p> <p>iii. All licensees shall at all times provide to the City the name of a contact person and their current telephone number who is available to respond within 24 hours of being contacted by the City. Failure to respond to the City within 24 hours constitutes a violation of this Bylaw.</p> <p>(6) An operator of a Short-Term Rental business may employ additional staff members to assist on site with the operation of the Short-Term Rental in accordance with the following:</p> <p>i. In commercial zones as specified by Zoning Bylaw No. 1750, up to two (2) additional staff members are permitted.</p> <p>ii. In residential zones as specified by Zoning Bylaw No. 1750, one (1) additional staff member is permitted.</p> <p>The Corporation of the City of Fernie Short Term Rental Consequential Regulation Amendments Bylaw No. 2325</p> <p>(7) All electronic advertisements for Short-Term Rental must include the licensee's Short-Term Rental business licence number.</p> <p>7. The existing Sections 12, 13, 14, 15 and 16 of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be renumbered as Sections 13, 14, 15,16 and 17, respectively.</p> <p>8. Section 13.(1) and (2) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be deleted and the following substituted therefore:</p> <p>13. (1) Every holder of a licence issued pursuant to this Bylaw shall permit reasonable access to the Licence Inspector to the premises at which business is being carried on for the purpose of ensuring that the requirements of the Bylaw are being complied with.</p> <p>(2) Any person who applies for a business licence and requires an inspection for building or fire code shall pay at the time of application the applicable fees as prescribed in Schedule "A" of this Bylaw. Such inspections shall not be required if the building where such business is proposed to be carried on is subject to an open and valid building permit for such type of business.</p> <p>9. Section 15(1) of the Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by inserting the following text before subsection b):</p>	
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	<p>a) violates any conditions of their licence;            10. The Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by deleting Schedule "A" substituting the following therefore:</p> <p><b>Schedule "A" FEES</b>            A. Licence (Annual Fee) \$100            B. Change of business location \$20            C. Transfer of Licence to new owner \$20            D. Change of business name \$20            E. Short-Term Rental Change of Contact Number \$20            F. Inspection fee including initial and follow-up business              Inspection for Fire or Building Code \$150            G. Additional Fire or Building Code Inspection Fee \$150 per inspection            H. Two or more persons selling crafts, art, photography pottery and other handmade items from one location,</p> <p>The Corporation of the City of Fernie Short Term Rental Consequential Regulation Amendments Bylaw No. 2325 commonly referred to as an artists co-op and includes craft fairs with a duration of three consecutive days or less \$80            The Corporation of the City of Fernie Shor</p> <p>11. The Business Licencing and Regulation Bylaw, Bylaw No. 2028, be amended by adding the following as Schedule "C":</p> <p><b>Schedule "C"</b>            1. All Short-Term Rental business licences are valid only for the Principal Residence which has been granted the licence. If at any time the location ceases to be the licensee's Principal Residence, the licence terminates.</p> <p>2. Any applicant for a Short-Term Rental Business licence must provide adequate evidence that the subject property is their Principal Residence by production of a copy of the previous year's Home Owner Grant or if a tenant a government issued identification showing their address or a voter registration card.</p> <p>3. No Short-Term Rental business licence shall be renewed or re-issued unless an inspection for building and fire code compliance has been conducted within the previous five (5) calendar years by the Building Official, Fire Chief, or their designate.</p> <p>4. Short-Term Rental business licences shall not be transferable. For greater certainty, on sale or transfer of an interest in a dwelling unit, excepting by way of mortgage, the Short-Term Rental business licence shall terminate.</p> <p>5. No Short-Term Rental business licence shall be issued unless the dwelling unit complies with all applicable bylaws of the City.</p>	
<p><b>2347</b>  <b>Amend # 6</b></p>	<p>1) Insert new definition of Fixed Premises as follows:  <i>"Fixed Premises" means a building or part of a building</i></p>	<p><b>2017-05-28</b></p>

	<p><i>located on a parcel of land from which a business is operated.</i></p> <p>2) The definition of Mobile or Street Vendor be deleted.</p> <p>3) Insert the following new definitions:  <i>“Mobile Vendor” means a Business utilizing a Mobile Vending Vehicle or Mobile Vending Food Cart for the purpose of:</i>  <i>(a) vending food and non-alcoholic beverages; or</i>  <i>(b) offering for sale goods, wares, merchandise or articles on a retail basis.</i></p> <p><i>“Mobile Vending Food Cart” means a non-motorized vehicle which is intended for retail sale of food and non-alcoholic beverages including but not limited to ice cream vending.</i></p> <p><i>“Mobile Vending Vehicle” means a commercially insured and registered motor vehicle which is specially designed and used for selling food, beverages, or merchandise for retail sale, but does not including vending machines or vehicles designed or intended for the transport only of food, beverages or merchandise.</i></p> <p>4) Section 11 <i>Mobile or Street Vendors</i> be deleted in its entirety and the following substituted therefore:  <b>Mobile Vendors</b>  11. (1) A person shall not offer for sale, lease or rent, any goods or merchandise on any streets or boulevards within the Municipality, excepting a Mobile Vendor who has been issued a Licence pursuant to this bylaw.</p> <p>(2) A business entity carrying on a business as a Mobile Vendor must first obtain a business licence for each Mobile Vending Vehicle or Mobile Vending Food Cart.</p> <p>(3) Council may establish by resolution areas within the Municipality in which licensed Mobile Vendors are prohibited from operating, notwithstanding that a Mobile Vendor may have a valid and subsisting Licence and have paid the applicable site fee.</p> <p>(4) Despite Section 11.2 before commencing operations in any park owned or occupied by the Municipality, a business entity must first obtain permission from the Municipality.</p> <p>(5) Before commencing operations on private property, a business entity must first supply the</p>	
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	<p>License Inspector with a written letter of permission from the owner of the property on which the Mobile Vendor will be locating.</p> <p>(6) A business entity carrying on business as a Mobile Vendor must comply with the regulations set out in Schedule “B” of this Bylaw.</p> <p>5) Section 14 (1) <i>Suspension or Cancellation of Licence</i> be deleted in its entirety and the following substituted therefore:</p> <p>14. (1) The Licence Inspector is delegated authority to suspend or cancel a Licence for:</p> <p>a) failure of the holder of a License to comply with a term or condition of a Licence, permit or approval; or</p> <p>b) failure of the holder of a License to comply with a Bylaw of the Municipality where such non-compliances arises from the carrying on of the Licensed business.</p> <p>6) Schedule “B” <i>Mobile and Street Vending Regulations</i> be deleted in its entirety and the following be inserted:</p> <ol style="list-style-type: none"> <li>1. Mobile Vendors must operate only from within a Mobile Vending Vehicle or Mobile Vending Food Cart.</li> <li>2. A maximum of two persons may operate a Mobile Vendor business at any time.</li> <li>3. A Mobile Vendor must relocate or remove their Mobile Vending Food Cart or Mobile Vending Vehicle at the direction of the Licence Inspector to accommodate special events, construction or repairs or where the Mobile Vending Food Cart or Mobile Vending Vehicle is in violation of this Bylaw.</li> <li>4. A Mobile Vendor is not permitted to operate on any highway, sidewalk or other City owned property between the hours of 3:00 a.m. and 7:00 a.m. each day.</li> <li>5. Mobile Vendors must provide the following documentation prior to obtaining a business licence:             <ol style="list-style-type: none"> <li>c) an Indemnity in favour of the City of Fernie in form and content satisfactory to the Director of Corporate Administration Services; and</li> <li>d) proof of third party liability insurance of not less than Five Million (\$5,000,000.) dollars with the City of Fernie as an additional named insured;</li> </ol> <p>in addition a Mobile Vendor operating a Mobile Vending Vehicle must provide proof of registration for all Mobile Vending Vehicles.</p> </li> </ol>	
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	<ol style="list-style-type: none"> <li>6. Mobile Vendors selling or distributing items intended for human consumption must have a valid and subsisting Public Health Certificate.</li> <li>7. Mobile Vendors shall be responsible for cleaning up litter generated within 25 metres of their location and shall be responsible for providing garbage receptacles and removal of all collected garbage from their location.</li> <li>8. Mobile Vendors are not permitted to provide any form of music or voice amplified device. All soliciting will be done at a level speaking voice.</li> <li>9. In addition to the Business Licence fee, a Mobile Vendor shall pay an annual site fee of \$250.00, if the Mobile Vendor is operating on or from a highway, sidewalk or lands owned by the City. The site fee shall be paid prior to the issuance of a Business Licence and shall not be prorated or refundable.</li> <li>10. A Mobile Vending Food Cart or Mobile Vending Vehicle shall not obstruct or impede the flow of pedestrian or vehicle traffic on any sidewalk or highway or City owned or occupied park.</li> <li>11. A Mobile Vending Food Cart or Mobile Vending Vehicle shall be maintained in a clean and safe manner.</li> <li>12. A Mobile Vending Food Cart or Mobile Vending Vehicle is not permitted to be parked on any street, road, sidewalk or other City owned property between the hours of 3:30 a.m. and 7:00 a.m., excepting on a highway directly adjacent to premises owned or occupied by the Mobile Vendor.</li> <li>13. Mobile Vending Vehicles shall not be greater than 2.43 m in width (7.9 ft) or 10.0 m (32.8 ft) in length.</li> <li>14. Mobile Vending Vehicles shall not be permitted to operate in any area other than the C1 Retail Commercial Zone as designated in the City of Fernie Zoning Bylaw.</li> <li>15. Notwithstanding Section 14 above, Mobile Vending Vehicles are prohibited from operating in all areas of the Historic Downtown Development Permit Area as defined in the City of Fernie Official Community Plan Bylaw except in the designated area located on 6th Street between 1st and 2nd Avenues.</li> <li>16. Mobile Vending Food Carts and Mobile Vending Vehicles operating outside of the Historic Downtown Development Permit Area are prohibited from operating within 50 metres of a fixed premise as measured from the nearest:             <ol style="list-style-type: none"> <li>a. public entrance to the business's fixed premises; or</li> <li>b. public entrance to the building in which the business's fixed premises are located</li> </ol> </li> </ol>	
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	<p>and that is open and offering for sale similar food, beverages, goods, wares, merchandise or articles.</p> <p>17. Section 15 and 16 above do not apply to Mobile Vending Food Carts that are stationary for not more than 30 minutes and not within a 100 meter radius of the immediately preceding location.</p>	
<p><b>Bylaw 2414 Amend #7</b></p>	<p>1. Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:</p> <p>1. Section 2 Definitions of Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:</p> <p>a. Insert the following new definitions, in the appropriate alphabetical order:</p> <p><i>"Accommodation Unit" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p><i>"Condo/Hotel" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p><i>"Dwelling Unit" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p><i>"Dwelling Unit Secondary" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p><i>"Dwelling, Single Detached" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p><i>"Hotel" means: as defined in the Consolidated Zoning Bylaw No.1750, as amended from time to time.</i></p> <p>b. Amend part (c) of the definition <i>Licence Inspector</i> by:</p> <p>- striking out the word <i>Current</i></p> <p>2. Schedule "C" of Business Licensing and Regulation Bylaw No. 2028, 2006 be amended as follows:</p> <p>a. Section 3 be deleted in its entirety and substituted with the following:</p> <p><i>Applicants must ensure they conform with all</i></p>	<p><b>2020-12-14</b></p>

	<p><i>regulations contained within the Short-Term Rental business licence bylaw and Short-Term Rental Self-Inspection Checklist prior to applying. Short-Term Rental business licence applicants must submit a completed Self-Inspection Checklist declaring their compliance for each item, duly signed by the business licence applicant.</i></p> <p>b. Insert the following section immediately following Section 3, and that subsequent sections be renumbered accordingly:</p> <p><i>4. Short-Term Rentals are not permitted in secondary suites and secondary dwelling units. Unless it is the entire dwelling, permanent cooking facilities are not permitted in the Short-Term Rental area.</i></p>	
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