



## CITY OF POWELL RIVER

### City of Powell River Business Licence Bylaw 2226, 2010 CONSOLIDATION

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Bylaw No.	Adoption Date	Description
2325	Dec 12, 2012	<ul style="list-style-type: none"> <li>• Revised Schedule A</li> </ul>
2374	July 3, 2014	<ul style="list-style-type: none"> <li>• Definition of Licence Administrator</li> <li>• Revised Section 4.7 including table of Late Payment Fee Calculation</li> </ul>
2443	Sept 7, 2017	<ul style="list-style-type: none"> <li>• Definition of Urban Farming</li> <li>• Addition of regulations related to Urban Farming</li> <li>• Revised Schedule A</li> </ul>
2486	Sep 7, 2018	<ul style="list-style-type: none"> <li>• Definition of Street Vending</li> <li>• Revised Schedule A</li> </ul>
2535	Nov 15, 2018	<ul style="list-style-type: none"> <li>• Definitions related to Cannabis</li> <li>• Addition of regulations related to Cannabis</li> <li>• Revised Schedule A</li> </ul>

2554	Apr 4, 2019	<ul style="list-style-type: none"><li>• Removal of definition of Street Vending and references to regulation of mobile vending</li><li>• Revised Schedule A</li></ul>
2538	April 18, 2019	<ul style="list-style-type: none"><li>• Addition of definitions of Short-Term Rental and Vacation Rental and references to regulation of both</li><li>• Revised Schedule A</li></ul>
2727	September 14, 2023	<ul style="list-style-type: none"><li>• Addition of definitions of Child Care Centre and In-home Child Care</li><li>• Addition of regulations related to Child Care</li><li>• Revised Schedule A</li></ul>
2748	April 18, 2024	<ul style="list-style-type: none"><li>• Text amendment with respect to the prohibition of Vacation Rentals</li></ul>
2759	December 5, 2024	<ul style="list-style-type: none"><li>• Revised Schedule A</li></ul>

# **CITY OF POWELL RIVER**

## **BUSINESS LICENCE BYLAW 2226, 2010**

### **BUSINESS LICENCE BYLAW 2226 CONSOLIDATION**

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# **CITY OF POWELL RIVER**

## **BUSINESS LICENCE BYLAW 2226, 2010**

A bylaw to provide for the licencing and regulation of businesses within the City of Powell River

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WHEREAS pursuant to the Community Charter, as amended, Council may by bylaw regulate matters in relation to business;

AND WHEREAS Council deems it advisable and appropriate to adopt a new Business Licence Bylaw;

NOW THEREFORE, the Council of the City of Powell River, in open meeting assembled, enacts as follows:

### **PART 1: TITLE & APPLICATION**

#### **1.1 Title**

This Bylaw may be cited as the "Business Licence Bylaw 2226, 2010".

#### **1.2 Application**

1.2.1 This Bylaw applies to any person conducting *business* within the boundaries of the *City*.

1.2.2 Wherever the singular or masculine is used in this Bylaw, they shall be construed as being the plural or feminine or vice versa.

#### **1.3 Severability**

The provisions of this Bylaw are severable. If any provision is for any reason held to be invalid by the decision of a court of lawful jurisdiction, such decision shall not affect the validity of the remaining provisions of this Bylaw.

#### **1.4 Repeal of Previous Bylaw**

The Corporation of the District of Powell River Business Licence Bylaw No. 921, and all amendments thereto are hereby repealed.

#### **1.5 Effective Date of this Bylaw**

This Bylaw shall come into effect on the first day of April of 2011.

## PART 2: DEFINITIONS

All words or phrases in this Bylaw shall have the meaning set out in Part 2 or, if undefined in Part 2, shall have the same meaning ascribed to similar words in the Local Government Act and Community Charter. For ease of reference, the following words or phrases are generally shown in italics throughout this Bylaw.

**ANCILLARY BUSINESS** means a subordinate *business*, with the same trade name specifically, and located at the same address, that supplements the primary *business* and provides ancillary services or products associated with or incidental to the primary *business*.

**BUSINESS** means any commercial or industrial undertaking of any nature, or the provision of professional, personal, or other services for the purpose of gain, barter or profit, but specifically excludes any activity carried on by the Federal, Provincial, or Local Government, their corporations or agencies.

**BUSINESS LOCATION** means every place where *business* is conducted or address where it is based.

**BUILDING INSPECTOR** means an employee or contracted service of the City which has responsibility for inspection and enforcement relating to building and safety codes of the Province of British Columbia, the Government of Canada and concordant City bylaws.

**BYLAW ENFORCEMENT OFFICER** means an officer of the *City* who has responsibility for inspection and enforcement relating to bylaw compliance.

**CANNABIS** has the same meaning as the Cannabis Act (Canada), subject to any prescribed modifications.<sup>AB 2535</sup>

**CANNABIS ACCESSORY** has the same meaning as the Cannabis Act (Canada), subject to any prescribed modifications.<sup>AB 2535</sup>

**CANNABIS OPERATION** means the cultivating, growing, producing, packing, storing, distributing, dispensing, advertising, trading, consumption, or selling of cannabis or cannabis-containing products, and excludes City-approved Cannabis Retail Store.<sup>AB 2535</sup>

**CANNABIS RETAIL STORE** means a retail establishment licensed under provincial authority for the sale of cannabis or cannabis-containing products for consumption off premises.<sup>AB 2535</sup>

**CHILD CARE CENTRE** means a facility providing care services for children in accordance with the *Community Care and Assisted Living Act* and *Child Care Licencing Regulation*. *Child care centres* shall be permitted as an *assembly use*, unless otherwise permitted or restricted elsewhere in this Bylaw.<sup>AB2727</sup>

**CITY** means the *City* of Powell River.

**COMMERCIAL EXHIBITION** means any show or display at which goods, wares, merchandise or services are exhibited for the purpose of demonstration, sale or taking orders.

**DWELLING UNIT** means a building or a self-contained part of a building designed for or occupied exclusively by one *family*, unless legally used as a *short-term rental* or *boarding house*, with one or more sleeping units, bathroom facilities, and not more than one cooking facility. <sup>AB 2538</sup>

**GARAGE SALE** means the sale of secondhand household goods on a residential property of the owner or tenant of the residential premise, or by a community service organization or charitable organization that is defined under the Charitable Purposes Preservation Act, but does not include the sale of vehicles, new goods, or goods on consignment.

**GROSS FLOOR AREA** means the total area of all floors used for the *business*, including storage areas measured in square metres, of all the buildings on a lot, and measured to the extreme outer

limits of the building(s); but excluding areas giving access thereto such as walkways, pathways or driveways, and enclosed balconies, enclosed porches, elevator shafts, mezzanine storage areas where the height from the top of the floor to ceiling is less than two metres, areas used for motor vehicle parking, and cycling storage.

**HOME BASED BUSINESS or HBB** means a *business* activity conducted as an accessory use in a dwelling unit or where permitted, in a permanent accessory building, by one or more person(s) in their principal residence on the same lot and in compliance with Part 7 of the *Zoning Bylaw*.

**IN-HOME CHILD CARE** means a home-based facility, either in a *dwelling unit* or permanent *accessory building*, providing care services for children in accordance with the *Community Care and Assisted Living Act* and *Child Care Licencing Regulation*.<sup>AB2727</sup>

**LICENCE ADMINISTRATOR** means the City's Director of Planning Services, or his/her designate for the purposes of carrying out any act or function under this Bylaw.<sup>AB 2374</sup>

**LICENCE** means a *business licence* required for a *business* under this Bylaw.

**LICENCEE** means the holder of a current *licence* issued under this Bylaw.

**LOCAL CONTACT** means a person designated by a *short-term rental* as the primary and immediate business contact for customers.<sup>AB 2748</sup>

**MOBILE SERVICES** includes any *owner* who sells, offers, or renders for sale any tangible personal property or service which he carries with him/her or conducts at the premises of others.

**NON-RESIDENT BUSINESS** means a *business* conducted in the *City* with respect to any work or service undertaken in the *City*, but whose primary addressed *business location* is not within *City* boundaries.

**PRINCIPAL RESIDENCE** \* deleted in its entirety.<sup>AB 2748</sup>

**RESIDENT BUSINESS** means a *business* carried on, in, or from a *business location* within the *City* boundaries.

**SEASONAL BUSINESS** means a *business* operating on a seasonal basis only, to a maximum of four consecutive months per year, and includes but is not limited to boat charter operations, *mobile services*, mushroom buyers and tour operators, and excludes *short-term rentals*.<sup>AB 2748</sup>

**SHORT-TERM RENTAL** has the same meaning as the Short-Term Rental Accommodations Act, subject to any prescribed modifications.<sup>AB 2748</sup>

**STREET VENDING** \* deleted in its entirety.<sup>AB 2554</sup>

**TEMPORARY BUSINESS** means a *business* operating on a one-time or temporary basis, no longer than one calendar week, including but not limited to a circus or carnival, exhibition, door-to-door sales, or short-term sales event.

**URBAN FARM** means a *business* that uses land with a principal building for the cultivation of fruits or vegetables for sale operated on a for-profit, non-profit, and/or social enterprises model, and in permitted circumstances may include on-site sales.<sup>AB 2443</sup>

**VACATION RENTAL** \* deleted in its entirety.<sup>AB 2748</sup>

**ZONING BYLAW** means the “City of Powell River Zoning Bylaw 2100, 2006,” as amended and superseded.

## **PART 3: ADMINISTRATION, DELEGATION & RECONSIDERATION**

### **3.1 Administration**

The *Licence Administrator* is hereby appointed to carry out, interpret, and administer the provisions of this Bylaw.

### **3.2 Delegation and Reconsideration**

3.2.1 Council delegates to the *Licence Administrator* the authority to grant *licences* pursuant to the provisions of this Bylaw.

3.2.2 Council delegates to the *Licence Administrator* the authority to refuse, suspend or cancel *licences* under this Bylaw after having given the applicant or *licencee*, as the case may be, written notice of the proposed decision and an opportunity to be heard in accordance with s. 3.2.3 below.

3.2.3 Within 30 days of receipt of notice that the *Licence Administrator* intends to refuse, suspend or cancel any *licence* under this Bylaw, or any other decision delegated under this Bylaw, the applicant or *licencee* may request that Council reconsider the decision subject to the following:

- (a) the request shall be in writing, and should include reasons in support of the reconsideration;
- (b) upon receipt of a written request for Council's reconsideration, the *Licence Administrator* shall prepare and forward a report to Council and copied to the *licencee*/applicant, attaching the *licence* application and setting out the reasons for the decision;
- (c) the *licencee* or applicant shall have the opportunity to appear before Council at a date and time set by Council, and be heard regarding the *Licence Administrator's* decision; and
- (d) Council shall reconsider the decision of the *Licence Administrator* and either uphold the decision or substitute the Council's decision for the *Licence Administrator's* decision. The *licencee*/applicant shall be notified in writing by the *Licence Administrator* within seven days after Council decision granted.

3.2.4 Where a *licencee* cannot be contacted despite reasonable efforts by the *Licence Administrator* to do so, or does not respond to the *City* in the course of *licence* renewal or administration of this Bylaw, the *Licence Administrator* may proceed to cancel a *licence* with no written notice.

## **PART 4: LICENCE REGULATIONS**

### **4.1 General Regulations**

#### 4.1.1 Any person who:

- (a) occupies a *business location* in the *City* in which or from which he advertises himself by newspaper, publicly, or otherwise, as open for *business* of any kind; or
- (b) deals in, or buys, sells, displays or offers by advertisement or otherwise to buy or sell commodities or other things of any kind, either on his own behalf or as an agent for any other *business*; or
- (c) offers himself as available or qualified to render professional, personal or other services to any other person for the purpose of gain or profit; or
- (d) operates a *non-resident business* with respect to which any work or service is performed in the *City*;

is deemed to be carrying on *business* within the *City* and is required to hold a *licence*.

#### 4.1.2 Despite 4.1.1 above, a *licence* is not required for any of the following:

- (a) the *business* of rental or strata property management service involving two or less rental units;
- (b) *ancillary business*, provided not more than one *ancillary business* supplements the primary *business*;
- (c) a wholesaler, manufacturer, or processor who offers for sale or resale his own merchandise to merchants for resale in the ordinary course of their *businesses*;
- (d) a publicly owned utility company situated within the *City*;
- (e) a performance, concert, exhibition, cultural event, or entertainment of which the entire proceeds, above actual expenses, are devoted to a charitable society as recognized, incorporated and in good standing under the Society Act, R.S.B.C. 1996, c.433 and/or registered as a charitable society or organization under the Income Tax Act of Canada, or a community service organization dedicated to charitable purposes;
- (f) a performance, concert, cultural event, form of entertainment or concession held in a public theatre or other establishment that holds a current *business licence*;
- (g) a special community event or activity sponsored by a non profit organization incorporated as a society pursuant to the Society Act, RSBC 1996, c. 433, as amended, the *City*, or School District 47; or
- (h) a *garage sale* conducted not more than four times per calendar year.

4.1.3 No provisions of this Bylaw shall be construed so as to provide any exemptions other than those set out in section 4.1.2 and in particular, any *business* that is not otherwise exempt from the requirement for a *business licence* under this Bylaw, shall not be exempt by reason only that it provides services to a charitable organization or society.

#### 4.1.4 No person shall carry on a *business* within the *City* without first:

- (a) obtaining a *licence* in the form prescribed by the *Licence Administrator*; and
- (b) paying the appropriate *licence* fee as prescribed in Schedule A, attached hereto and forming a part of this Bylaw.

- 4.1.5 Every applicant must make a true and correct statement in writing on the application form disclosing the nature and character of the *business* to be carried on, the address of the *business*, and all other facts required by the application form.
- 4.1.6 No *licence* shall be issued until the prescribed fee as set out in Schedule A has been paid to the *City*.
- 4.1.7 The *Licence Administrator* shall determine the tier applicable to any *business* in regards to the *licence* fee provisions as set out in Schedule A.
- 4.1.8 The *Licence Administrator* may issue a *licence* where he is reasonably satisfied that the *owner* has complied with the requirements of *City* bylaws regulating building, zoning, health, sanitation and *business*.
- 4.1.9 Despite the preceding 4.1.8, a *licence* is neither a representation nor a warranty that a *business* complies with all the bylaws of the *City*, or with any and all other regulations or standards of other levels of governments and professional or trade regulatory organizations, nor that the conduct of the *licencee* and the *business* complies with standard business practices, any other regulations, or accepted industry standards.
- 4.1.10 \* deleted in its entirety.<sup>AB 2748</sup>
- 4.1.11 In considering a *licence* issue, renewal, or re-issue for a *short-term rental licence*, the *Licence Administrator* may<sup>AB 2748</sup>:
- (a) consider whether the *licence* held by the applicant has been suspended or cancelled in the preceding two (2) *licence* periods; and
  - (b) require an inspection by the *Bylaw Enforcement Officer*, *Building Inspector*, and/or *City Fire Prevention Officers* of the *business location*; notwithstanding, a *Licence Administrator* may grant *licence* issue, renewal or re-issue without an inspection subject to the condition that if upon subsequent inspection the *short-term* fails to comply with the requirements of this Bylaw, the *Licence Administrator* shall suspend or cancel the *licence*.<sup>AB 2538, 2748</sup>

## 4.2 Terms, Conditions and Prohibitions

- 4.2.1 The *Licence Administrator* may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a *licence*, respecting the following matters:
- (a) employee, patron and public health, safety and security at *business location*;
  - (b) physical condition of the *business location*;
  - (c) hours of operation;
  - (d) payment of outstanding *licence* fees;
  - (e) provision of certification;
  - (f) the effective period of any *licence*; and
  - (g) proof of appropriate insurance coverage
- 4.2.2 Every *licencee* shall, throughout the period of its *licence*, comply with all of the terms and conditions of said *licence*.

#### **4.3 Business Certification, Inspection and Insurance**

- 4.3.1 Every *licencee* whose *business* is governed by Federal or Provincial Acts or Regulations shall, upon request by the *Licence Administrator*, produce certification or letters of approval, as may be required by Federal or Provincial authorities under those Acts or Regulations.
- 4.3.2 All *licencees* of *businesses* in which employees or customers attend at the *business location* may be required to permit the *business location* to be inspected by the *Bylaw Enforcement Officer, Building Inspector* and *City Fire Prevention Officers*, and may further be required to obtain the approval of the *business location* by those officers before a *licence* may be granted.
- 4.3.3 When the *Licence Administrator* determines that insurance coverage is required prior to issuance of a *licence*, proof of coverage in a form acceptable to the *Licence Administrator* shall be submitted prior to issuance of the *licence*.
- 4.3.4 No *licence* shall be issued for the purpose of holding an exhibition, circus or carnival, using mechanically operated equipment until the *licencee* has filed with the *Licence Administrator*, evidence of a comprehensive liability policy of insurance with a minimum of \$5,000,000 of insurance per occurrence to include bodily injury, death, property damage, and loss of use of property. The insurance shall name the *City* as an additional insured.

#### **4.4 More Than One Business at a Premise or Location**

- 4.4.1 Where there is more than one *business* operating in or from one *business location*, each *business* shall be deemed to be a separate *business* requiring a separate *licence*, and the appropriate fee shall be paid for each separate *licence* as set out in Schedule A.
- 4.4.2 Where there is more than one separate and distinct trade name displayed within one *business location*, each trade name shall be deemed to indicate the operation of a separate *business*, for which a separate *licence* is required, and the appropriate fee shall be paid for each separate *licence* as set out in Schedule A.
- 4.4.3 No more than one (1) *short-term rental licence* may be issued per lot.<sup>AB 2538, 2748</sup>

#### **4.5 Effective Period of a Licence and Renewal**

- 4.5.1 Except as otherwise provided for in this Bylaw, *licences* may be granted for an effective period of no greater than one year to commence on the first day of January or the day of *licence* issuance, terminating on the 31<sup>st</sup> day of December of the calendar year.
- 4.5.2 The period for a *licence* with respect to a public show, exhibition, carnival or performance of any kind, elsewhere than in a *licensed* theatre or *licensed* place, shall be effective for the day(s) prescribed, and subject to the fee as set out in this Bylaw.
- 4.5.3 Notwithstanding s. 4.5.1, a *licence* shall terminate on the earlier of:
- (a) the end of the effective period of the *licence*;
  - (b) the 31<sup>st</sup> day of December of the year in which the *licence* was issued;
  - (c) that date on which the operation of the *business* ceases; or

(d) as determined by the *Licence Administrator* under s. 4.11.1.

- 4.5.4 Every *licencee* must renew his *licence* and pay the applicable fee prior to the end of the *licence* period for which the *licence* was issued; excepting that *temporary business licences* will not be renewed.
- 4.5.5 The *City* will forward renewal notifications to current *licencees*, including *business licence* fee due dates, prior to 31 December of the calendar year.
- 4.5.6 *Licence* renewal fees that are one day or more overdue, shall be subject to a late payment penalty as prescribed in s. 4.7 of this Bylaw.
- 4.5.7 There shall be a 30-day grace period after the due date for annual *licence* renewal payment during which the *City* will not initiate enforcement action under this Bylaw; however, late payment penalties apply during this 30-day period.

#### **4.6 Licence Fee Calculation Provisions**

- 4.6.1 Where a *licencee* is undertaking *business* activity that meets criteria of both higher and lower tiers, it shall be deemed to fall under the highest applicable tier but shall not be the sum of the tiers stipulated in Schedule A.
- 4.6.2 Where a *licencee* is undertaking one related *ancillary business* activity as provided for under 4.1.2 (b) of this Bylaw, it shall be deemed to fall under the highest tier but shall not be the sum of the tiers stipulated in Schedule A.
- 4.6.3 A *seasonal business licence* shall be in effect for no more than four consecutive months per calendar year and the fee thereof shall be calculated at 50% of the tier value for the applicable *business* tier.
- 4.6.4 *Licences* fee shall be prorated by 50% for an application for a new *business licence* received on or after July 31<sup>st</sup> of the calendar year; however, renewal of an existing licence shall not be prorated.
- 4.6.5 A fee of \$40 shall be applied to any transfer of *business licence* with respect to change of *business location* where any inspection or agency referral process is required; where no additional inspections or agency referral processes are required, there is no fee for a change in *business location*.
- 4.6.6 Every *licencee* for a *temporary business licence* shall pay a fee for the *licence* calculated at \$50 per day regardless of tier.

#### **4.7 Late Payment Penalty**

- 4.7.1 In the event an annual business licence renewal fee is not submitted by the prescribed *business licence* due date, or in the case of a seasonal *business licence*, prior to the beginning of operations in any calendar year, a late payment penalty as described in Table 1: Late Payment Fee Calculation listed below, will be applied to each unpaid *business licence*.<sup>AB 2374</sup>

Table 1: Late Payment Fee Calculation

Category	Penalty per each month in arrears	Maximum annual penalty
Tier 1, Tier 2 and Tier 3	\$10	\$60
Tier 4	\$20	\$120
Tier 5	\$30	\$180
Tier 6	\$40	\$240
Tier 7	\$50	\$300

4.7.2 All late payment penalties shall be added to the *licence* fee or *licence* renewal fee, as the case may be, and must be paid prior to the issuance of or renewal of a *licence*.

**4.8 Display of Licence**

4.8.1 Every *licencee* carrying on a *business* shall keep the *licence* posted in a conspicuous place at the *business location* named on the *licence*.

4.8.2 Every *licencee* carrying on a *non-resident business* shall keep the *licence* within the *licencee's* or employee's vehicle in a secure place while conducting *business* within the *City*.

4.8.3 Every *licencee* issued a *licence* to carry on *mobile services*, shall keep the *licence* within the *business* vehicle or push cart, in a secure place while conducting *business* within the *City*.

4.8.4 No person shall offer or advertise for lease, rent or barter a *dwelling unit* or any portion thereof for *short-term rental* unless that person possesses a valid and subsisting *short-term rental licence* for such *dwelling unit* pursuant to this bylaw. <sup>AB 2538, 2748</sup>

4.8.5 Every advertisement, listing, or promotional material that is intended to communicate the availability of a *short-term rental* must disclose<sup>AB 2748</sup>:

- (a) a valid and subsisting *short-term rental licence* number for the *dwelling unit* advertised;
- (b) the maximum permitted off-street parking spaces available for customer use, pursuant to the *Zoning Bylaw*; and,
- (c) the maximum permitted guest-occupancy, pursuant to the *Zoning Bylaw*. <sup>AB 2538</sup>

4.8.6 The *short-term rental* must display the name, address and telephone number of the *local contact* in a conspicuous place at the *business location* named on the *licence*. <sup>AB 2538, 2748</sup>

4.8.7 A *licencee* conducting a *business* required to be *licensed* under this Bylaw shall:

- (a) produce his *licence* to any *Bylaw Enforcement Officer* or *Licence Administrator* upon request; and
- (b) permit any *Bylaw Enforcement Officer* or *Licence Administrator* reasonable access to enter, view, and inspect any *business location*.

#### 4.9 Transfer of a Licence

- 4.9.1 Excepting *cannabis retail store* and *short-term rental*, a licence issued under this Bylaw is transferable to another licensee by application in the form as prescribed by the *Licence Administrator* and at no fee provided the business name and business location are retained, and the *licence* fee is paid for the current year. <sup>AB 2538, 2748</sup>
- 4.9.2 *Short-term rental* shall not be transferable. For greater certainty, on the sale or transfer of an interest in a *dwelling unit*, excepting by way of mortgage, the *short-term rental licence* shall be cancelled. <sup>AB 2538, 2748</sup>
- 4.9.3 A transfer of *licence* shall be subject to a *licence* transfer fee as prescribed in s. 4.6.5, if the *business location* is changed and inspection of the new *business location* is required.
- 4.9.4 A *licence* is not transferable if the *business* name, owner, and *business location* are all changed; in this case, application for a new *licence* must be submitted with the appropriate fee payment as prescribed in Schedule A.

#### 4.10 Change of Licence and Termination of Business

- 4.10.1 Every *licencee* must notify the *Licence Administrator* of any change in the mailing and/or the *business location* address, the classification of the *business* pursuant to Schedule A of this Bylaw, or any alteration to the *business location* which requires any type of permit from the *City*, including but not limited to a development permit, building permit, plumbing or fire inspection.
- 4.10.2 Upon termination of a *business* operation by the *licencee*, the *licencee* must notify the *Licence Administrator* in a form or by a means acceptable to the *Licence Administrator*, indicating that the *licence* is no longer required and the *licence* is to be cancelled. Where the *licencee* does not make such notification, the *Licence Administrator* may take action pursuant to s. 3.2.4.

#### 4.11 Suspension of a Licence

- 4.11.1 The *Licence Administrator* may suspend or cancel a *licence* if the *licensee*:
- a) ceases to meet the requirements of this Bylaw to carry on the *business* for which the *licensee* is *licensed*; or
  - b) has neglected to pay the *licence* for the current year by July 1 of the year, including late payment penalties. <sup>AB 2538</sup>
- 4.11.2 A notice of suspension or cancellation may be posted by the *Licence Administrator* at the *business location* for which the *licence* was issued; and such notice shall not be removed until the *licence* is reinstated or the *licencee* ceases to occupy the *business office*.
- 4.11.3 The *licencee* must surrender the *licence* to the *Licence Administrator* upon an order for a suspension or a cancellation and no *licencee* shall operate a *business* after his *licence* has been suspended or cancelled by the *Licence Administrator*.
- 4.11.4 A *licencee* whose *licence* is suspended or cancelled may apply to have Council reconsider the matter as specified in s. 3.2.3.

## **PART 5: REGULATION OF *BUSINESS***

### **5.1 Contractors - Trades**

5.1.1 Every general contractor carrying on *business* within the *City* shall only employ subcontractors who hold a valid *licence* under this Bylaw for the duration of the period of their employment with the general contractor.

5.1.2 Prior to commencing construction at any site within the *City*, every general contractor must provide a list of all sub-contractors in their employ to the *Licence Administrator* or *Building Inspector* and keep the *Licence Administrator* or *Building Inspector* informed of any changes in that list of sub-contractors.

5.2.2 \* deleted in its entirety.<sup>AB 2554</sup>

### **5.3 Door-to-Door and Direct Sales**

All door-to-door and direct sales *licensees* and their agents shall:

- a) state to any person with whom he is conducting *business*, the name of the *business* with which he is associated, affiliated or representing;
- b) display to any person with whom he is conducting *business*, a clearly visible identification card on which is printed the salesperson's legal name and *business* affiliation; and
- c) display to any person with whom he is conducting *business*, a copy of the *licence* issued hereunder.

### **5.4 Urban Farm<sup>AB 2443</sup>**

5.4.1 *Urban Farm* operators must obtain a *business licence* prior to use of the site. Every parcel operated as an *Urban Farm* requires a separate *business licence*.

5.4.2 An *Urban Farm* may only operate on more than one parcel if all the *licences* are issued to the same person or organization.

5.4.3 A *licensee* may not operate an *Urban Farm* that exceeds a combined planting area of 7000m<sup>2</sup>.

5.4.4 No activities associated with an *Urban Farm* may take place outside the hours from 7am to 8pm.

5.4.5 *Urban Farm* operators must adhere to good management practices and maintain the site to reasonably prevent nuisances including offensive noise, odour, light, smoke, or vibration or other objectionable effect in excess of that which is characteristic of the Zone in which an *Urban Farm* is located under normal circumstances where no *Urban Farm* exists.

5.4.6 A development permit issued by the *City* in accordance with the guidelines of Development Permit Area (DPA) 6: Other Commercial Areas, is required prior to issuance of a *business licence* for all *Urban Farm* – *Class 2* applications.

5.4.7 A site inspection is required prior to issuance of a *business licence* for all *Urban Farm* – *Class 2* applications.

- 5.4.8 If the holder of a *licence* for an *Urban Farm* applies for farm class tax status under the BC Assessment Act, the applicant must inform the *Licence Administrator* at the time the application is made.
- 5.4.9 If any of the area of an *Urban Farm* is subject to a lease, the lease must be provided to the *Licence Administrator* as part of the *business licence* application.
- 5.4.10 *Urban Farms* are categorized into two classes:
- 5.4.10.1 Urban Farm – Class 1
- a) No on-site sales are permitted.
  - b) Any development permit or waiver thereof for an Urban Farm – Class 1 is time limited to 1 year.
- 5.4.10.2 Urban Farm – Class 2
- a) On site sales are permitted should the applicant first obtain a development permit in accordance with the guidelines as laid out in Development Permit Area (DPA) 6: Other Commercial Areas.
  - b) Development permits for an *Urban Farm* – Class 2 are time limited to 1 year.
  - c) Calculation of required off-street parking spaces will be based on Part 6 of this Bylaw and be exclusive of any parking spaces required to accommodate the principle use of the same property.

## 5.5 **Cannabis Retail Store**<sup>AB 2535</sup>

- 5.5.1 *Cannabis Retail* is regulated by the *Cannabis Act* (Canada), including regulations for advertising and promotion.
- 5.5.2 A *person* must not operate a *Cannabis Retail Store* unless that person has done the following prior to *commencing* operations:
- a) Obtained a Licence from the Province;
  - b) Completed Provincial employee training program; and
  - c) Obtained a License from the City.
- 5.5.3 A person who applies for a *Cannabis Retail Store* business licence shall submit the following in addition to other documentation requested during business licence application:
- a) a security plan acceptable to the *Licence Administrator*;
  - b) contact information for a responsible person available to be contacted at any time;
  - c) proof of a security alarm contract providing monitoring at all times during the licence period;
  - d) proof of ownership or a copy of a fully-executed lease for the premises; and
  - e) other documents required by the *Licence Administrator*.

5.5.4 The *Licensee* for a *Cannabis Retail Store* must not do any of the following:

- a) hold business license for a *Cannabis Retail Store* unless that person is the registered owner or lessee of the premises at which the *Cannabis Retail Store* is operated;
- b) transfer the business licence or control of the licence for the *Cannabis Retail Store* to another person;
- c) operate a *Cannabis Retail Store* in conjunction with any other use;
- d) permit a person under 19 years of age to enter or remain on the premises;
- e) permit the consumption of any cannabis or cannabis-containing product within the premises or in contravention of the *City of Powell River Smoking Regulation Bylaw 2232, 2009*;
- f) block the windows of the premises with opaque material, artwork, posters, shelving, or other material.

5.5.5 The *Licensee* for a *Cannabis Retail Store* must do the following:

- a) operate the *Cannabis Retail Store* within a completely enclosed building on the premises;
- b) install and maintain the following types of security measures on the premises:
  - i. security and fire alarm system that is monitored by a third party at all times; and
  - ii. video surveillance cameras that monitor all entrances, exist, and the interior of the premises with data retained for at least 21 days after it is gathered.
- c) install and maintain signage in accordance with Federal and Provincial requirements;
- d) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager; and
- e) promptly bring to the attention of the *Licence Administrator* the name and proof of Provincial employee training of any new on-site manager and/or responsible person; and
- f) promptly bring to the attention of the *Licence Administrator* any criminal charge brought against the *licensee* or an on-site manager, officer, director or shareholder of the licensee.

## 5.6 **Short-Term Rental**<sup>AB 2748</sup>

5.6.1 No *short-term rental licence* shall be issued without meeting the following conditions:

- a) Compliance with the Short-Term Rental Accommodations Act.
- b) The *dwelling unit* shall comply with all applicable bylaws of the City.
- c) The property owner must provide written consent for the *short-term rental* use to the satisfaction of the *Licence Administrator*.

5.6.2 No *short-term rental* shall be carried out unless in compliance with the following regulations:

- a) No person may hold more than one (1) *short-term rental licence*.

- b) The *licensee* shall alone be engaged in the management of the *short-term rental*; notwithstanding, the *licensee* may hire one employee to work on the premises.
- c) All *licensees* shall at all times provide to the City the name and current telephone number of a *local* contact who resides within 30km of the *business* location identified on the licence and has consented to respond within 24 hours of being contacted by the City. Failure to respond to the City within 24 hours constitutes a violation of the Bylaw.
- d) The *licensees* shall provide the required number of parking spaces in the dimensions specified in the *Zoning Bylaw* on the same parcel used for the *business location* identified on the *licence*.

## 5.7 **Child Care**<sup>AB2727</sup>

5.7.1 No *business licence* for a *child care centre* shall be issued without meeting the following conditions:

- a) The *child care centre* shall comply with all applicable provincial legislation including the *Community Care and Assisted Living Act* and *Child Care Licencing Regulation*.
- b) The *child care centre* shall comply with all applicable provincial building and fire codes.
- c) The *licensee* shall provide the required number of on-site parking spaces as specified in the *Zoning Bylaw*.
- d) If applicable, the property owner shall provide written consent for the *child care centre use* to the satisfaction of the *Licence Administrator*.

5.7.2 No *business licence* for *in-home child care* shall be issued without meeting the following conditions:

- a) An *in-home child care licence* is valid only for the licensee's *principal residence*. If at any time the *business location* identified on the *licence* ceases to be the licensee's *principal residence*, then the licence shall be cancelled.

## **PART 6: ENFORCEMENT & VIOLATION**

### **6.2 Enforcement and Violation**

- 6.2.1 Any person who violates any provision of this Bylaw, or who suffers or permits any act in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing required to be undertaken pursuant to the provisions of this Bylaw, commits an offence against this Bylaw and is liable upon summary of conviction to a fine not exceeding \$10,000 and the cost of the prosecution.
- 6.2.2 Every day during which there is an infraction of this bylaw shall constitute a separate offence.

## **PART 7: ADOPTION**

READ A FIRST TIME the 13<sup>th</sup> day of July 2023.

READ A SECOND TIME the 13<sup>th</sup> day of July 2023.

READ A THIRD TIME the 13<sup>th</sup> day of July 2023.

PUBLIC NOTICE GIVEN the 31<sup>st</sup> day of August and the 7<sup>th</sup> day of September 2023.

ADOPTED the 14<sup>th</sup> day of September 2023.

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Ron Woznow, Mayor

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Chris Jackson, Corporate Officer

**Schedule A: Licence Fees** AB 2325,2443,2486,2535, 2554, 2538, 2748

Category	Criteria <i>Resident or non-resident businesses</i>	Examples (not criteria)	Annual Fee Base Rate
<b>Tier 1</b>	1.0 <i>Home Based Businesses</i> that meet all of the following criteria: a) sole proprietorships with no employees b) no inspections required pursuant to this Bylaw 1.1 <i>Urban Farm</i> businesses that do not offer on-site sales	<ul style="list-style-type: none"> <li>• Minor <i>HBB</i></li> <li>• Urban Farm Class 1**</li> </ul>	<b>\$100</b>
<b>Tier 2</b>	2.0 <i>Home Based Businesses</i> that meet any of the following criteria: a) 1 or 2 <i>non-resident</i> employees* b) inspections required (section 4.3.2) 2.1 <i>Urban Farm</i> businesses that offer on-site sales 2.2 <i>Street Vending Truck, Trailer or Cart</i>	<ul style="list-style-type: none"> <li>• Major/Rural <i>HBB</i></li> <li>• Urban Farm Class 2</li> </ul>	<b>\$150</b>
<b>Tier 3</b>	3.0 Any <i>Business</i> other than those identified as Tier 1 or Tier 2 that meets any of the following criteria: a) Between 1 and 9 employees * b) <i>Business location</i> that occupies a <i>gross floor area</i> less than 185 sqm (2000 sqft) c) Rental accommodation for 3 to 10 units/rooms (regardless of the number of employees or <i>gross floor area</i> ) d) <i>Short-term rental</i> e) <i>In-home child care</i>	<ul style="list-style-type: none"> <li>• Major/Rural <i>HBB</i></li> <li>• <i>Short-term rental</i></li> <li>• Contractor with &lt; 10 employees</li> <li>• 10 unit apartment building</li> </ul>	<b>\$180</b>
<b>Tier 4</b>	4.0 Any <i>Business</i> that meets any of the following criteria: a) Between 10 and 29 employees*; b) <i>Commercial business locations</i> that occupy a <i>gross floor area</i> between 185 sqm (2000 sqft) and less than 929 sqm (10,000 sqft) c) Rental accommodation of between 11 and 25 units/rooms (regardless of the number of employees or <i>gross floor area</i> ) d) Fuel sales regardless of <i>gross floor area</i> or number of employees.	<ul style="list-style-type: none"> <li>• Real estate office w/ 15 employees</li> <li>• Restaurant w/ 25 employees</li> <li>• Beauty salon w/ 12 employees</li> <li>• Gas bar</li> </ul>	<b>\$300</b>

<b>Tier 5</b>	<p>5.0 Any <i>Business</i> that meets any of the following criteria:</p> <p>a) Between 30 and 49 employees*</p> <p>b) <i>Commercial business locations</i> that occupy a <i>gross floor area</i> between 929 sqm (10,000 sqft) and less than 1858 sqm (20,000 sqft)</p> <p>c) Rental accommodation of between 26 and 40 units/rooms (regardless of the number of employees or <i>gross floor area</i>)</p> <p>d) Liquor Primary establishments fall into this Tier regardless of the gross floor area or the number of employees.</p>	<ul style="list-style-type: none"> <li>• Hotel w/ up to 40 rooms</li> <li>• Pub</li> </ul>	<b>\$700</b>
<b>Tier 6</b>	<p>6.0 Any <i>Business</i> that meets any of the following criteria:</p> <p>a) Between 50 and 79 employees*</p> <p>b) <i>Commercial business locations</i> that occupy a gross floor area between 1858 sqm (20,000 sqft) and less than 4645 sqm (50,000 sqft)</p> <p>c) Rental accommodation of more than 41 units/rooms (regardless of the number of employees or gross floor area)</p> <p>d) Financial institutions or organizations regardless of the <i>gross floor area</i> or the number of employees.</p> <p>e) Private utility company regardless of the <i>gross floor area</i> or the number of employees.</p>	<ul style="list-style-type: none"> <li>• Bank</li> <li>• Gas company</li> </ul>	<b>\$1000</b>
<b>Tier 7</b>	<p>7.0 Any <i>Business</i> that meets any of the following criteria:</p> <p>a) 80 or more employees*</p> <p>b) <i>Commercial business locations</i> that occupy a gross floor area more than 4645 sqm (50,000 sqft)</p>	<ul style="list-style-type: none"> <li>• Big box stores</li> <li>• Paper Mill</li> </ul>	<b>\$1500</b>
<b>Inspection</b>	Where an inspection of a <i>business</i> is required, the annual <i>business licence</i> fee includes the first inspection and a follow-up visit.	<ul style="list-style-type: none"> <li>• Additional Inspection</li> </ul>	<b>\$150</b>

\* For the purposes of assessing a *licence* fee, two part-time employees are counted as one full-time employee.

\*\* Additional parcels operated as an *Urban Farm – Class 1* can be licenced at a cost of \$10 each if *licences* are issued to the same business.