

**DISTRICT OF LAKE COUNTRY
BUSINESS LICENSING BYLAW 1000, 2017**

CONSOLIDATED VERSION

(Includes amendment as of September 18, 2018)

This is a consolidated copy to be used for convenience only. Users are asked to refer to the Business Licensing Bylaw as amended from time to time to verify accuracy and completeness.

Amending Bylaw	Summary of Amendments	Adoption
1055	<ul style="list-style-type: none">• Delete Section 22 in its entirety	Sept. 18, 2018

DISTRICT OF LAKE COUNTRY**BYLAW 1000**

A BYLAW TO REGULATE BUSINESS IN THE DISTRICT OF LAKE COUNTRY

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. INTERPRETATION

- 1.1. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time and any Bylaw referred to herein is a reference to an enactment of the Council of the District of Lake Country, as amended, revised, consolidated or replaced from time to time.
- 1.2. Unless otherwise defined herein, all words or expressions used in this bylaw shall have the same meaning as defined in the *Local Government Act*, *Community Charter*, *Interpretation Act* or any successor legislation when used in this bylaw.
- 1.3. The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

2. DEFINITIONS

“Applicant” means any person who makes an application for a Business Licence under the provisions of the bylaw.

“Body-Rub Parlour” includes any premises or part thereof where body-rub services are performed, offered or solicited and includes the manipulating, touching or stimulating by any means, of a person’s body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or therapeutic touch technique.

“Body-Painting Studio” includes any premises or part thereof where directly or indirectly a fee is paid for any activity including the application of paint, powder, or similar materials to the body of another person.

“Business” means the:

- (a) carrying on of a commercial or industrial undertaking of any kind;
- (b) providing professional, personal or other services for the purpose of gain or profit;
- (c) carrying on a home occupation pursuant to the bylaws of the District of Lake Country; or
- (d) operating a non-profit society or organization.

“Business Licence” means a licence or permit, other than an Inter-Community Business Licence, issued by a participating municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that participating municipality.

“Dating Service” means any persons carrying on the business of providing information to persons, not employed by the Dating Service, desirous of meeting other persons for the purpose of social outings.

“District” means the organization of the District of Lake Country or the area within the municipal boundaries as the context may require.

“Inter-Community Business” means a business that performs a service or activity within more than one participating municipality but not from or in premises in one or more participating municipalities, and who provides the service or activity by moving from client to client.

“Inter-Community Business Licence” means a business licence which authorizes an Inter-Community Business to be carried on within the boundaries of any or all of the participating municipalities.

“Licence Inspector” includes every Building Inspector, Fire Inspector, Bylaw Enforcement Officer, staff-person designated to manage business licensing and the Chief Administrative Officer and their designate.

“Licensee” means a person who has received a District of Lake Country Business Licence.

“Mobile Vendor” means any person who, from a motor vehicle, trailer or cycle, as defined and licenced under the *Motor Vehicle Act* sells, or offers for sale food or merchandise, or who advertises or takes orders for goods or services.

“Social Escort Service” includes any person carrying on the business of providing or furnishing male or female escorts for social occasions.

“Trade Show” means the business of organizing a group of merchants, suppliers, tradespeople or professionals together as a group in one location or building for a period of up to fourteen (14) days to display and offer their products or services for sale and includes Flea Markets.

3. LICENCE REQUIREMENTS

3.1. Except as otherwise permitted in the *Community Charter*:

- (a) A person will not carry on business in the District without first having obtained and paid for a municipal Business Licence or an Inter-Community Business Licence.
- (b) A person who owns or operates any business within the District must apply for, obtain and hold a licence for each business.
- (c) A person who carries on business from more than one premise in the District must obtain a separate licence for each premise.

4. LICENCE FEE

- 4.1. A person who applies for a licence must pay the applicable licence fee as set out in the District Fees Bylaw, as amended from time to time.

5. POWERS

- 5.1. The Licence Inspector may grant a Business Licence upon being satisfied that the Applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation, nuisance, and business.
- 5.2. The Licence Inspector may suspend any Business Licence for the period decided by the Licence Inspector if the Licensee:
- (a) is convicted of an offense indictable in Canada;
 - (b) commits an offense under any District bylaw, or statute of the Province, in respect of the business for which the person is licenced or with respect to the premises named in the Business Licence;
 - (c) fails to meet any health, safety, or other requirement as established by the District, the Health Authority, the Province of British Columbia, or the Government of Canada;
 - (d) has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the Business Licence that it warrants the suspension of the licence;
 - (e) has ceased to meet the lawful requirements to carry on the business for which the person is licenced or with respect to the premises named in the Business Licence; or
 - (f) has, in the opinion of the Licence Inspector, conducted the business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of nineteen (19) years anything, that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of nineteen (19) years.
- 5.3. A person licenced or seeking to be licenced pursuant to this bylaw must admit entry to the premises for the purpose of inspection by the District or the RCMP and must not in any way hinder or obstruct the inspection and must, on request, supply information relevant to the inspection for the purpose of determining compliance with this bylaw.

6. INSPECTIONS

- 6.1. The Licence Inspector may enter at all times on any property that is subject to this bylaw to ascertain whether regulations in this bylaw are being observed.

7. INITIAL LICENCE APPLICATIONS

- 7.1. A person must apply for a Business Licence on the application form prescribed by the District and must be signed by an owner or operator of the business, or the owner or operator's duly authorized agent.
- 7.2. The application for an initial Business Licence must include a detailed description of the premises in or upon which the Applicant intends to carry on business.
- 7.3. The following persons must endorse a Business License application prior to the District issuing a Licence:
- (a) District Fire Inspector, except for home-based businesses;
 - (b) District Building Inspector, except for home-based businesses;
 - (c) District Bylaw Enforcement Officer, except for and home-based businesses; and
 - (d) The Health Authority and a public health inspector where the business operates in premises serviced by private a sewage disposal system, the business involves the handling of food or drinks, or the business is a personal service establishment as defined by the Province of BC.
- 7.4. If an Applicant applies for more than one Business Licence the particulars of each licence applied for must be included on a separate application form.
- 7.5. The Licence Inspector may issue a Business Licence subject to the completion of a District business survey that may be created and amended from time to time.
- 7.6. Application forms must be delivered to the Licence Inspector and must be accompanied by the associated fee as set out in the District's Fee bylaw, as amended from time to time.

8. LICENCE PERIODS

- 8.1. Business Licences will be granted annually for a period commencing January 1 and expiring December 31.

9. LICENCE FORMS

- 9.1. The Licence Inspector shall prescribe the application forms for the Municipal Business Licence.

10. DISPLAY OF LICENCE

- 10.1. A licensee must keep a copy of the licence posted in a conspicuous place on the premises in respect of which the licence is used.

- 10.2. If the licensee has no business premises in the District the licence must be carried upon the licensee's person at all times when the licensee is engaged within the District in the business for which the licence was issued.

11. EFFECTS OF LICENCE

- 11.1. A Business Licence authorizes only the person named in the licence to carry on only the business described in the licence and only at the premises or locations described in the licence.
- 11.2. A Business Licence is not a representation or warranty that the licensed business or the business premises comply with District bylaws or with any other regulations or standards.

12. LICENCE RENEWAL

- 12.1. The Licence Inspector will forward an annual business licence invoice to every licensee at the address listed on the existing licence.
- 12.2. The licensee will be responsible for maintaining a business licence for each current period.
- 12.3. Prior to issuing a Business licence renewal, the persons listed in Section 7.3 (a) through (d) must endorse the application for renewal.
- 12.4. Prior to issuing a Business Licence renewal, applicable fees as set out in the District's Fees Bylaw, as amended from time to time, must be paid prior to January 31 in each the licence year.
- 12.5. If the Licensee does not renew their Business Licence as required by this bylaw, the Licence Inspector may cancel the licence.
- 12.6. The receipt of a Business Licence will serve as a confirmation that the licence has been renewed.

13. LICENCE TRANSFERS - NEW PREMISES

- 13.1. A person will not carry on a business upon any premises other than those described in the initial licence application without making an application for a new licence or for a transfer of the original licence to a new premises.
- 13.2. Applications for the transfer of a business licence with respect to a change of premises shall be made on the form prescribed by the Licence Inspector.

14. LICENCE TRANSFERS - PERSON TO PERSON

- 14.1. Any person who acquires a business or a controlling interest in any business from any person licenced under this bylaw must not carry on such business without first having obtained approval for a transfer of the licence – person to person.

14.2. Any person proposing to obtain a transfer of a license held by any other person is required to make application on the form prescribed by the Licence Inspector. The powers, conditions, requirements and procedures, relating to the initial licence application apply.

15. TRANSFER FEES

15.1. Fees payable in respect of any transfer of a licence are set out in the District's Fees Bylaw, as amended from time to time.

15.2. A business licence is not required for the provision of daycare or babysitting services for up to two unrelated children, or to the children of one family, by a person who is not related to those children.

16. MOBILE VENDORS

16.1. Mobile Vendors must operate in accordance with the following provisions:

- (a) Mobile Vendors must obtain the necessary licensing and permit(s) from the District, the Regional Health Authority and other relevant or applicable licensing or regulatory agency approvals prior to conducting any business operation;
- (b) All required permits and licences must be displayed on-site during business operation;
- (c) Mobile Vendors are responsible for all garbage and recycling associated with the business and ensuring the area is free of litter;
- (d) When the hours of operation terminate, recycling and garbage containers must be removed from the premises;
- (e) Where a Mobile Vendor is catering to or delivering to a residential site, business or construction site, they must not park or stop on the travelled portion of a highway or road right of way, must not be stopped at one location longer than is necessary to serve customers, and at no time may the vendor remain stopped for longer than twenty (20) minutes at any one location, unless prior approval has been provided by the District through the Mobile Vendor Application; and
- (f) Mobile Vendors must not carry on business within 50 metres of a licenced business within a property tax-applicable structure offering similar goods, unless they receive, and provide to the District, prior written permission from the registered owner of said business.

16.2. In addition to the conditions set out in section 16.1, Mobile Vendors on private land must also adhere to the following requirements:

- (a) Provide a letter of permission to the District from the property owner permitting the Mobile Vendor to operate on the proposed site; and
- (b) Provide a detailed site plan showing the proposed location of the Mobile Vendor on the proposed site, which may be reviewed and approved at the discretion of the Licence Inspector.

16.3. In addition to the conditions set out in section 16.1 and 16.2, Mobile Vendors on District land must also meet the following requirements:

- (a) Complete and submit a Mobile Vendor Application, as amended from time to time, for consideration by the District;
- (b) The approved permit area will be granted in consideration of public safety, traffic, and competing, property-tax paying businesses;
- (c) Mobile Vendors must be self-contained, portable and removed from the permit area each night;
- (d) Mobile Vendors must operate only on hours scheduled within the permit;
- (e) At any time, the District has the right to require a Mobile Vendor to vacate or relocate from the designated permit area;
- (f) No Mobile Vendors will be allowed to operate in any park when District concessions are operating unless invited to do so by the group hosting the event.

16.4. In addition to the other regulations as set out by the District in this bylaw, a Mobile Vendor serving or operating from a motor vehicle must adhere to the following requirements:

- (a) Mobile Vendors operating from or requiring a motor vehicle to transport mobile unit must obtain Motor Vehicle Liability Insurance with a minimum coverage of five million dollars (\$5,000,000);
- (b) Mobile Vendors are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Lake Country saved harmless and named "additionally insured";
- (c) Proof of the required insurance must be provided to the District prior to the issuance of the licence.

17. SOCIAL ESCORT SERVICES, DATING SERVICES, BODY-RUB PARLOUR/BODY-PAINTING STUDIO

17.1. Every person or individual carrying on the business of operating a Social Escort Service, Dating Service, Body-Rub Parlour or Body-Painting Studio must:

- (a) Supply the Licence Inspector and the Lake Country Royal Canadian Mounted Police with the name, age, address, photo identification and description of every individual proposed to be employed or engaged in the said business together with such additional information as the Licence Inspector or RCMP may require;
- (b) Notify the Licence Inspector within seventy-two hours of any change in personnel employed or engaged in the business;
- (c) Not employ any person on the licenced premises unless such person is eighteen (18) years of age or older;
- (d) Not permit any person to be on the licenced premises at any time unless such person is eighteen (18) years of age or older.

18. PAWN BROKER/SECOND HAND DEALER

- 18.1. A person carrying on the business of or operating as a pawn broker or second hand dealer must:
- (a) Disclose to the Licence Inspector the names, addresses, and photo identification of all persons who will be actively engaged in the management and operation of the business;
 - (b) Notify the Licence Inspector within seventy-two hours of any change in the personnel; and
 - (c) Provide the Lake Country RCMP with a copy of the Business Licence application respecting the pawn broker or second hand dealer's business.
- 18.2. A person must not purchase or receive pawn goods or chattels, unless the person depositing the goods or chattels is:
- (a) Eighteen years of age or older;
 - (b) not under the influence of alcohol or drugs; and
 - (c) able to produce valid, photographic identification.
- 18.3. A person licenced as a pawn broker or second hand dealer must deliver a statement of all goods and chattels purchased or received by the licensee during the previous week to the Lake Country RCMP prior to 9:30 a.m. on the Monday of each week. Statements will not be required on public holidays but must be submitted on the following business day and disclose the whole period subsequent to 9:30 a.m. of the day on which the preceding statement was made. Statements shall be submitted on a form acceptable to the License Inspector and shall include the following information:
- (a) A description including any descriptive mark, name, and serial number of the goods and chattels;
 - (b) the price paid and whether the item was deposited in pawn or purchased;
 - (c) the date and time of purchasing or receiving the goods and chattels;
 - (d) the name, date of birth, address and contact telephone number of the person depositing the goods and chattels and, if available, a copy of any photographic identification produced;
 - (e) if available, the make, description and licence number of any vehicle used by the person depositing the goods and chattels;
 - (f) the name of the employee or licensee receiving the goods and chattels; and
 - (g) in the case of jewellery, the description of the type, colour, style of jewellery and apparent type of gem, as well as a photograph of the item.
- 18.4. A Licensee will not permit any entry made in the record of goods to be erased, obliterated or defaced in any way or removed from the premises, except upon the request of the Royal Canadian Mounted Police and the Licence Inspector.
- 18.5. A Licensee will not alter, sell, exchange or otherwise dispose of goods or chattels deposited with or delivered to the licensee until after the expiration of seven (7) clear days, exclusive of Sundays and holidays, provided that the licensee may, upon request, return goods or chattels to the person who originally deposited them with the Licensee.

- 18.6. The Licensee must keep newly received goods and chattels segregated for one week from other goods and chattels located on the premises to allow inspection at any time during regular hours by the Royal Canadian Mounted Police.

19. TRADE SHOWS

- 19.1. A Licence for a Trade Show will be considered to cover all vendors within the Trade Show.
- 19.2. Trade Shows will be limited to operating three (3) days per week at the specific premises.
- 19.3. The licence for a Trade Show will be considered to cover all vendors within the show for a period not exceeding fourteen (14) days.
- 19.4. Trade Shows are required to carry a minimum of five million dollars (\$5,000,000) public liability insurance and property damage insurance with the District of Lake Country saved harmless and named "additionally insured";
- 19.5. Proof of the required insurance must be provided to the District prior to the issuance of the licence.

20. GARAGE/YARD SALES

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

21. RENTAL/LEASE OF WATERCRAFT

- 21.1. Operators of premises which rent or lease personal water craft must include the following in their rental/lease agreements with their patrons:
- (a) That the hours of operation for watercraft rentals be limited to the hours between 9:00 a.m. and 9:00 p.m.;
 - (b) That the operators of the watercraft while on plane or overtaking keep their watercraft at least forty-five (45) metres away from all other watercraft that are on the water; if the watercraft is not on full plane, it can come up to other boats;
 - (c) The business agent must require that rented watercraft be operated a minimum of one-hundred fifty (150) metres away from the shoreline, and never over the littoral shelf, unless using the most direct route to and from shore, except when entering a launch point or marina; and
 - (d) That the name of the renter and the unit number of the watercraft which is being rented is recorded.
- 21.2. In addition to requiring that all renters have a valid licence to operate the watercraft the business agent must provide the persons renting such watercraft basic operating, water

safety rules and instructions on the use and operation of the personal watercraft, prior to allowing that person to operate such personal watercraft.

- 21.3. Operators of premises which rent water craft must ensure that the watercraft are permanently marked with a minimum of three (3) inch high letters or numbers which identify the name of the rental operator and the unit number of the watercraft.
- 21.4. Operators of premises which rent watercraft must patrol the areas in which their rented watercraft are operated, in order to enforce compliance with the requirements of this bylaw.

Section 22 deleted in its entirety by Bylaw 1055

22.

23. VIOLATIONS AND PENALTIES

- 23.1. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 23.2. Any person who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Five Thousand Dollars (\$5,000.00) plus the cost of prosecution.
- 23.3. Each day that the violation continues to exist shall constitute a separate offence.

24. APPEAL PROCEDURES

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

25. REPEALS

- 25.1. Business Licensing Bylaw 699, 2008 and all of its amendments thereto are hereby repealed in their entirety.

26. CITATION

- 26.1. This bylaw may be cited as the "Business Licensing Bylaw 1000, 2017".

READ A FIRST TIME this __ day of _____, 2017.

READ A SECOND TIME this __ day of _____, 2017.

ADVERTISED in the _____, 2017 edition of The Calendar newspaper and posted pursuant to section 59(3) of the *Community Charter*.

READ A THIRD TIME this __ day of _____, 2017.

ADOPTED this __ day of _____, 2017.

Mayor

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of the Bylaw cited as "Business Licensing Bylaw 1000, 2017" as adopted by the Municipal Council on the __th day of _____, 2017.

Dated at Lake Country, BC

Corporate Officer