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# **THE CORPORATION OF THE CITY OF PENTICTON**

## **BUSINESS LICENCE BYLAW**

### **NO. 2012-5020**

Consolidated for convenience only.

**Amended by:**

Bylaw No. 2015-31 (June 15, 2015)

Bylaw No. 2017-15 (April 4, 2017)

Bylaw No. 2018-67 (January 22, 2019)

THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 2012-5020

A BYLAW TO PROVIDE FOR LICENCING OF BUSINESSES IN THE CITY OF PENTICTON

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WHEREAS pursuant to Section 59 of the *Community Charter*, Council is empowered to regulate in relation to business;

AND WHEREAS Council is empowered to provide for granting of business licences, to fix and impose licence fees and regulate certain trades, occupations and businesses in the City of Penticton;

NOW THEREFORE, the Council of the City of Penticton is open meeting assembled, hereby ENACTS AS FOLLOWS:

**CITATION:**

This bylaw may be cited for all purposes as the "City of Penticton Business Licence Bylaw 2012-5020."

**1.0 DEFINITIONS**

For the purpose of this Bylaw, unless the context otherwise requires, the following definitions shall apply and all definitions contained in the Zoning Bylaw shall apply to this Bylaw in the same manner as if they were set out herein.

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| "Accommodation"             | means a Business Category in which the primary activity is the provision of rental accommodation of more than two suites or rooms.   |
| "Adult Only"                | means a Business Category which offers activities and services that are for Persons being nineteen (19) years of age or older, including but not limited to Body Rub Studio, Body Painting Studios, Dating Agency and Social Escort but does not include a Liquor Establishment. |
| "Amusement"                 | means a Business Category which offers activities and/or services related to entertainment, recreation, games, or contests of any description.   |
| "Automotive/Mechanical"     | means a Business Category which provides services, sales, repairs, maintenance or towing with respect to motor vehicles, marine craft, aircraft, recreational vehicles, equipment and heavy equipment.   |
| "Beach/Street/Park Vending" | means a Business Category primarily involved in the sale of goods and services at a fixed or mobile location on a beach, street or park.   |
| "Body Painting Studio"      | means a Business Type where directly or indirectly, a fee is paid for any activity involving the application of paint, powder or similar materials to the body of another Person, but does not include the application of make-up, face painting or tanning products.            |

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| "Body Rub"              | means the manipulating, touching or stimulating by any means, of a Person's body, or part thereof, but does not include medical or therapeutic touch therapy given by a Person duly licenced or registered under any statute of the Provincial Government governing such activities.   |
| "Body Rub Studio"       | means a Business Type which offers, solicits or performs a Body Rub and includes a referral agency which accepts requests to provide a Person to perform a Body Rub at a location chosen by the Person requesting the service.   |
| "Building Official"     | means a person to whom a local government has assigned the responsibility for administering the Building Licence Bylaw enacted under the <i>Community Charter</i> , and includes building officials and plan reviewers as designated by the City of Penticton.   |
| "Building Bylaw"        | means the "City of Penticton Business Licence Bylaw 5020-2012" as amended from time to time or superceded.   |
| "Business"              | means engaging in a trade, occupation, profession, commercial or industrial activity or an undertaking of any kind; and engaging in a trade, occupation, profession, commercial or industrial activity or any undertaking of any kind, but does not include an Employee, or an activity carried on by the Provincial Government, by corporations owned by the Provincial Government or by agencies of the Provincial Government. |
| "Business Category"     | means the classification of Businesses as set out separately and identified as being a Business Category within the City of Penticton Fees and Charges Bylaw No. 2012-5015 and as amended from time to time or superceded.   |
| "Business Licence"      | means a licence issued pursuant to this Bylaw.   |
| "Business Licence Fee"  | means the annual fee as set out in the Fees and Charges Bylaw, which each Business must pay to the City for each Business Licence.   |
| "Business Name"         | means the name, words, trademark, and/or symbol which a Business uses to identify, indicate or advertise the Business.   |
| "Business Type"         | means a sub-classification of a Business within a Business Category, and generally describes the primary Business activity.  |
| "Bylaw Officer"         | means a Bylaw Officer appointed by the City.   |
| "Cannabis Retail Store" | means a business selling cannabis products through a storefront with a 'cannabis retail store' license issued from the BC Liquor and Cannabis Regulation Branch. <b>(Bylaw 2018-67)</b>  |
| "City"                  | means The Corporation of the City of Penticton.  |

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| "Commercial Kennel"          | means a facility or property, where a maximum of 10 dogs over the age of 4 months, are kept, trained, cared for, bred, treated or boarded for remuneration or purposes of sale where a Kennel Operation Permit has been issued by the City. (Bylaw 2015-31)   |
| "Communications"             | means a Business Category primarily involved in the provision of services or activities with respect to the sharing of knowledge or providing information.  |
| "Community Charter"          | means the Community Charter, S.B.C., c.26.  |
| "Construction & Development" | means a Business Category where activities are related to construction, development, maintenance, servicing, testing or repair of building, structures, utilities or land.  |
| "Corporate Officer"          | means the Corporate Officer of the City.  |
| "Criminal Code"              | means the Criminal Code of Canada R.S.C.,1985, C.46 and amendments thereto.   |
| "Criminal Records Check"     | means a C.P.I.C. inquiry performed by the Royal Canadian Mounted Police or other policing agency in the municipality where the Person resides.  |
| "Council"                    | means the Municipal Council of the City.  |
| "Dating Agency"              | means a Business Type which activities include providing information to Persons desirous of meeting other Persons for the purpose of social outings.  |
| "Door to Door Sales"         | means a Business Type applicable to any Business Category where selling, soliciting or canvassing is done door to door for the promotion of any product, service, contract or event or other work of like nature, either on his own behalf or as an agent for others where this solicitation is done for profit or gain.  |
| "Employee"                   | means a Person who is on the payroll record of a Business, which holds a Business Licence, for which government of Canada payroll tax deductions are levied by the Business regarding that individual Person, and shall also include a Person who obtains no less than 85% of their yearly income from one Business only. |
| "Farmers Market"             | means an open air venue that is primarily used as a food market with the primary function of providing a direct marketing outlet for local farmers and food processors as well as food retailers and shall include Community Markets.   |
| "Fees and Charges Bylaw"     | means the City Fees and Charges Bylaw 2012-5015 and as amended from time to time or superceded.   |
| "Fire and Life Safety Bylaw" | means the City Fire and Life Safety Bylaw 2004-57 and as amended from time to time or superceded.   |
| "Fire Chief"                 | means the Fire Chief appointed by the City.   |

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| "Food and Beverage"              | means a Business Category where the preparation and/or service of food as opposed to liquor is the primary focus of the Business.   |
| "FOIPOP"                         | means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996 c.165.  |
| "General Business&Services"      | means a Business Category where services are offered or products are sold, offered or traded to other Businesses or to Persons.   |
| "General Contractor"             | means a Business Type where the activities primarily involve overseeing and management of Construction and Development projects.  |
| "Home Stay Rental"               | means a short term rental of less than 14 days within a year or where there is no financial transaction such as a home exchange. No licensing registration would be required; however the maximum number of rental guests would be restricted to six (6) overnight occupants. (Bylaw 2017-15) |
| "Licence Inspector"              | means the person from time to time duly appointed as Licence Inspector for the City of Penticton, any person acting in that capacity, and includes the Manager, Building Official, Bylaw Officer, and Building Licencing Clerk.   |
| "Liquor Control & Licencing Act" | means the Liquor Control and Licencing Act of British Columbia R.S.B.C. 1996, c.267 and amendments thereto.   |
| "Liquor Establishment"           | means a Business Category where the primary Business involves the sale of liquor and the Business holds a liquor licence pursuant to the <i>Liquor Control and Licensing Act</i> .  |
| "Manager"                        | means the Building and Permitting Manager and his designate.  |
| "Manufacturing & Industrial"     | means a Business Category which involves making, processing or assembly of products, extraction, processing or searching for raw materials, shipping, storage or the provision of utilities.  |
| "Medical Health Officer"         | means the Medical Health Officer appointed under the Public Health Act 2008, C.28 to act within the limits of the jurisdiction of any local board or under any health district.   |
| "MTI Bylaw"                      | means the City' Municipal Ticket Information Bylaw No. 2012-5021, and as amended from time to time or superceded.   |
| "One-Stop Business Registration" | means the Provincial Government's online initiative which enables a Business to register with multiple public agencies in one step.   |
| "Non-trade Contractor"           | means a Business Type other than a General Contractor or a Trades Contractor, where activities are related to construction,   |

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|                              | development, maintenance, servicing, testing or repair of building, structures, utilities or land.  |
| "Owner"                      | means any person who is the registered owner as indicated in the records of the Kamloops, British Columbia Land Title Office, and includes any Person in actual or apparent possession of Real Property under a lease, licence or other agreement and includes any authorized representative of the aforesaid.  |
| "Passenger Vehicle For Hire" | means the City Passenger Vehicle For Hire Bylaw No. 96-61, and as amended from time to time or superceded.  |
| "Pawnbrokers Bylaw"          | means the City Second-hand Stores, Pawnbrokers and Auction Houses and All Persons Owning, Keeping or Maintaining Such Stores or Shops and for Making Regulations in Respect of the Disposition of Used and Second-hand Goods Bylaw No. 97-68, as amended from time to time or superceded.   |
| "Person"                     | means an individual, corporation, partnership or party, and the personal or legal representatives of a Person, to whom the context can apply according to law.  |
| "Premises"                   | means stores, offices, warehouses, factories, buildings, houses, enclosures, yards or other places occupied, or capable of being occupied, by a Business entity for the purpose of carrying on a Business.  |
| "Procedure Bylaw"            | means the City of Penticton Procedure Bylaw 2004-23 and as amended from time to time or superceded.   |
| "Professional"               | means a Business Category in which a Person who as a condition precedent to providing a service, must be licenced or hold other statutory authorization as set out in and regulated by a statute of the Provincial Government, and includes an Accountant (Certified General, Certified Management or Chartered), Agrologist, Appraiser, Architect, Barrister & Solicitor, Chiropractor or Podiatrist, Dentist or Dental Surgeon or Orthodontist, Engineer, Insurance Adjuster, Insurance Agent, Investment/Securities Agent, Land Surveyor, Notary Public, Optometrist, Osteopath, Physician & Surgeon (General Practitioner), Physician & Surgeon (Specialist), Physiotherapist, Psychiatrist, Psychologist, Real Estate/Land Agent and Veterinarian. |
| "Provincial Government"      | means the government of the Province of British Columbia.   |
| "Real Property"              | means land, with or without improvements so affixed to the land as to make them in fact and law part of it.   |
| "RCMP"                       | means the Royal Canadian Mounted Police.  |
| "Safety Standards Act"       | means the Safety Standards Act S.B.C. 2003 c.39.  |
| "Social Escort"              | means a Business Type where, for a fee or other form of payment, escorts accompany another Person, but does not   |

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|   | mean a Person providing assistance to another Person because of that other Person's age or handicap.   |
| "Securities Agencies Act"               | means Securities Services Act, R.S.B.C. 2007 c.30.   |
| "Special Event"                         | means a Business Type involving short term or temporary events, performances, concerts, exhibitions, entertainment or concessions that, except as provided otherwise in the bylaw, does not exceed seven (7) days within the calendar year and includes but is not limited to retail sale, auction, Trade Show, flea market, craft fair, circus or carnival.                 |
| "Ticket Information"                    | means a municipal ticket information issued in accordance with the Municipal Ticket Information Bylaw.   |
| "Trade Show"                            | means a type of Special Event involving organizing a group of more than five (5) merchants to gather in one location or building to offer or promote sales, such as the sale of goods, wares, merchandise, services, products or concepts.   |
| "Trades Contractor"                     | means a Business Type that provides service in a trade that is designated by the Advanced Education Industry Training Authority of the Province of British Columbia as a trade within which it is mandatory that journey persons hold a valid 'Certificate of Qualification' to practice their trade and apprentices must be registered through an apprenticeship agreement. |
| "Traffic Bylaw"                         | means the City Traffic Bylaw No. 94-39, and as amended from time to time or superseded.  |
| "Vacation Rental (Minor)"               | means a vacation rental operation of less than 30 rental days within a year and the owner is a principal resident during guest use. Maximum rental accommodation would be two (2) persons per bedroom with a maximum of six (6) guests. This would involve the rental of room(s), legal secondary suite or carriage home. <a href="#">(Bylaw 2017-15)</a>                    |
| "Vacation Rental (Major)"               | means a vacation rental operation of more than 30 rental days within a year or with a non-resident owner during guest use. Maximum rental accommodation would be two (2) persons per bedroom with a maximum of six (6) guests. This would involve the rental of any dwelling unit or single family dwelling. <a href="#">(Bylaw 2017-15)</a>                                 |
| "Vacation Rental (Major High Occupant)" | means a major vacation rental use with more than six (6) guests for a minor or major vacation rental. This would require additional staff review time and public consultation with the adjacent neighbouring properties. <a href="#">(Bylaw 2017-15)</a>   |
| "Vending Machine"                       | means any machine or device operated mechanically or otherwise by inserting a coin, token or slug, or operated by  |

credit or debit card, for the sole purpose of selling or dispensing any goods, wares, merchandise, or providing music, and includes machines or devices dispensing refreshments, confections and food, tobacco products, detergents and machines or devices providing a service but does not include clothes washers/dryers.

“Zoning Bylaw” means the City of Penticton Zoning Bylaw No. 2017-08 as amended from time to time or superseded. (Bylaw 2017-15)

## **2.0 ADMINISTRATION**

- 2.1 The Manager is hereby appointed to administer and carry out the provisions of this Bylaw.
- 2.2 Words defining responsibilities and authority shall be construed to be an internal administrative direction and not as creating a duty.

## **3.0 AUTHORITY**

- 3.1 The Licence Inspector is authorized to grant, issue and transfer a Business Licence;
- 3.2 The Manager is authorized to grant, issue, transfer, suspend or cancel a Business Licence as herein provide or refuse to grant, issue or transfer a Business Licence;
- 3.3 All Premises from which an applicant for a Business Licence proposes to carry on or conduct any Business in respect of which a Business License is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the City before a Business Licence is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or City authorities with respect to the Business.
- 3.4 The Licence Inspector may only issue a Business Licence if the Business Licence Fee has been paid.
- 3.5 The Licence Inspector may require confirmation of approval, in a form satisfactory to the Licence Inspector, from the Ministry of Health, R.C.M.P. or the City Fire Department respecting a Business Licence application and in such cases the Licence Inspector must not issue such Business Licence until he has received such approvals. A Business Licence holder shall immediately notify the Licence Inspector of any suspension or cancellation for any such approvals and the Manager may suspend the Business Licence pending reinstatement of such approvals.
- 3.6 A Business Licence issued under this Bylaw is not a representation or acknowledgement by the City to an applicant or holder of a Business Licence that the proposed Business complies with any or all applicable laws or other enactments.

## **4.0 APPLICATION FOR BUSINESS LICENCE**

- 4.1 Every Person applying for a Business Licence shall complete the Business Licence application form provided by the Licence Inspector, or if available applying online on the prescribed application form via the Provincial Government One Stop Business Registration provided however an applicant who wishes to apply online shall also provide the City with such further information as may be requested by the City.



- 4.2 Information provided on the Business Licence application may be subject to "*Freedom of Information and Protection of Privacy Act*" enquiries.

## **5.0 ISSUING OF BUSINESS LICENCE**

- 5.1 Subject to the "*Community Charter*", and unless exempted under Provincial Government or Federal legislation or specifically exempted under this Bylaw, any Person carrying on Business in the City must first hold a valid and subsisting Business Licence issued by the City.
- 5.2 No Business, Person or representative shall advertise, solicit or promote for a Business activity without first obtaining a Business Licence.
- 5.3 Except as outlined hereafter, where a Business is carried on in or from more than one Premises within the boundaries of the City, the Business carried on in or from each Premises shall be deemed to be a separate Business and shall require a separate Business Licence in respect of each said separate Premises. Where a Business is conducted on two or more Premises separated by a roadway and/or conducted on two or more contiguous properties, such Business shall be considered as conducting its Business on one Premises only, and only one Business Licence shall be required therefore. A Business shall only be carried on at the Premises for which the Business Licence has been issued.
- 5.4 A Business may conduct or offer any number of different Business Types within the Business Category for which the Business Licence is issued provided however that each Business Type is disclosed and included in the Business Licence application and the Business Licence which is issued indicates that each Business Type is approved.
- 5.5 At the time a Business undertakes any new activity that would alter the information previously provided on the Business Licence application form, the holder of the Business Licence shall notify the Licence Inspector of such change, pursuant to the Transfer, Change or Cancellation At The Request of the Business section of this Bylaw and a new Business Licence may be required for the new activity as determined by the Licence Inspector.

## **6.0 INSPECTION OF PREMISES**

- 6.1 Every Owner, occupier or Business Licence holder of any Business in the City shall give to the Licence Inspector and to such Persons as the Licence Inspector may designate from time to time such access at any reasonable hour to such Premises from which such Business is carried on or any part thereof and such information with respect thereto as may be reasonably required to enable inspections of the Premises.
- 6.2 The Licence Inspector may inspect the Premises for which a Business Licence application is made or a Business Licence is issued and such inspection shall be for the purpose of and limited to:
- 6.2.1 observe that the Business Category and/or Business Type is in accordance with the City Zoning Bylaw.
- 6.2.2 observe the Business and Premises for compliance with the City Building Bylaw, and the City Fire and Life Safety Bylaw.

## **7.0 TRANSFER, CHANGE OR CANCELLATION OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS**

- 7.1 A holder of a Business License shall notify the Licence Inspector, in writing on the form provided prior to:
- 7.1.1 closing of the Business;
  - 7.1.2 changing the Business Name, phone number and/or fax number, emergency contact name, mailing address (Business Information);
  - 7.1.3 changing the Business Owner or Business Licence holder;
  - 7.1.4 changing the location of the Business;
  - 7.1.5 changing or adding to the Business, Business Type or, Business Category;
  - 7.1.6 change to a liquor licence or addition of a liquor licence for the Business.
- 7.2 A holder of a Business Licence shall pay the applicable transfer and change fee as set out in Schedule H of the Fees and Charges Bylaw.
- 7.3 Where more than one change is contemplated involving the Business Owner, Business Location, Business Category or Business Type, the existing Business Licence shall be deemed to be cancelled and a new Business Licence application shall be made by the Business Licence holder.

## **8.0 PERIOD OF BUSINESS LICENCE**

- 8.1 All Business Licences issued under this Bylaw shall be for the anniversary year and will expire on the last day of the month in the subsequent year of issuance except if:
- 8.1.1 a Business Licence is previously forfeited under this Bylaw;
  - 8.1.2 a Business Licence is issued on a daily, weekly or monthly basis.

## **9.0 BUSINESS LICENCE FEES**

- 9.1 The Licence Inspector shall classify and interpret the Business Category and Business Type of each application for a Business Licence and shall calculate and levy a Business Licence Fee as set out in Schedule H of the Fees and Charges Bylaw.
- 9.2 An applicant for a Business Licence must pay to the City the applicable Business Licence Fee for that Business and a Business Licence is not valid until it has been issued by the Licence Inspector and the Business Licence Fee has been paid.
- 9.3 The City shall refund Business Licence Fees only as follows:
- 9.3.1 where a Business Licence application is withdrawn by the applicant prior to the Business Licence being issued, or the Business Licence is refused by the City, the City shall refund any Business Licence Fees paid on account of the Business Licence application, less an administration fee of 50% of the Business Licence Fee.
  - 9.3.2 where a Business Licence holder requests the cancellation of a Business Licence as provided herein within 185 calendar days of being issued a Business

Licence for that same anniversary year, the City shall refund 50% of the Business Licence Fee for that anniversary year.

#### **10.0 FORM AND DISPLAY OF LICENCE**

- 10.1 Every Business Licence issued pursuant to this Bylaw shall be in such a form as may be prescribed by the Licence Inspector from time to time.
- 10.2 Every Business shall permanently display the current Business Licence in a prominent location within the Premises for which the Business Licence has been issued. Every Person doing Business in other than a fixed or permanent place of Business shall carry such Business Licence on his Person and prior to the commencement of Business or solicitation shall display the Business Licence in such manner as will allow the Business Licence to be viewed and read.

#### **11.0 RENEWAL OF BUSINESS LICENCE**

- 11.1 Each Business shall ensure that their Business Licence is renewed annually, whether notice is given by the City or not, and the Business shall pay the annual Business Licence Fee.
- 11.2 Every Business shall renew their Business Licence within seven (7) days following the date upon which it expires. In the event the Business fails to renew their Business Licence on or before the aforementioned seven (7) day period, the Business shall pay, in addition to the annual Business Licence Fee for the renewal period, a penalty as set out in Schedule H of the Fees and Charges Bylaw.

#### **12.0 REFUSAL, SUSPENSION OR CANCELLATION OF BUSINESS LICENCE**

- 12.1 An application for Business Licence may be refused by the Licence Inspector in any specific case but:
  - 12.1.1 the application cannot be unreasonably refused; and
  - 12.1.2 on request, the Licence Inspector must give written reasons for the refusal.
- 12.2 A Business Licence may be suspended or cancelled, by the Manager or Council, for reasonable cause including, but not limited to, failure to comply with a term or condition of a Business License or failure to comply with this or any other Bylaw of the City.
- 12.3 Before suspending or canceling a Business Licence, the Manager shall:
  - 12.3.1 give written notice to the holder of the Business Licence indicating that the Business Licence is suspended or cancelled and that the Business must cease operation within 7 days of the date of the written notice. The written notice shall indicate the reasons for the suspension or cancellation and provide instructions to the Business Licence holder for the removal of the suspension or cancellation of the Business Licence.
  - 12.3.2 give the date and time of a show cause hearing and invite the Business Licence holder to attend the hearing to speak before Council regarding the suspension or cancellation of the Business Licence.

- 12.4 Written notice of intention to cancel or suspend shall be delivered by registered mail to the address of the Business and the address of the contact Person as indicated on the Business Licence application.
- 12.5 No Person shall carry on a Business for which a Business Licence is required by this Bylaw during a period of suspension of such Business Licence.

### **13.0 APPEAL OF DECISION OF LICENCE INSPECTOR**

- 13.1 Any Person, who wishes to appeal a decision of the Manager as it pertains to the authority exercised by the Licence Inspector under this Bylaw, may appeal to have Council reconsider the decision by giving written notice of appeal to the Corporate Officer. Such written notice of appeal shall state the grounds upon which the appeal is made. Upon receipt of a written notice of appeal the Corporate Officer shall set a time and a place for a hearing of the appeal pursuant to the Delegations section of the Procedure Bylaw. After hearing the appeal, Council may confirm, vary or set aside such decisions made by the Licence Inspector, as it may deem appropriate.

### **14.0 REGULATIONS**

#### **14.1 ADULT ONLY**

14.1.1 All Persons carrying on an Adult Only Business shall:

- (a) only employ Persons 19 years of age or older;
- (b) maintain a register of all Employees including each Employee's name, address, age and identification such as driver's licence number and make the same available to the Licence Inspector upon request;
- (c) require a Criminal Record Check of all prospective Employees and not employ any Person who has a conviction pertaining to Sections 212 and 213 of the Criminal Code and provide the said Criminal Record Check to the Licence Inspector for review prior to employing any Person.
- (d) not provide service to any clientele unless they are 19 years of age or older.

14.1.2 Businesses that are a Social Escort shall:

- (a) not provide an escort unless the escort is at least 19 years of age or older;
- (b) maintain a register of every request to provide or furnish an escort, giving the name and address of the Person requesting the escort together with the name of the escort recommended and the function to be attended.

14.1.3 Businesses that are a Dating Agency shall maintain a register of all Persons registered with the Dating Agency showing their name, address, and the Person to whom they have been referred

## 14.2 Vacation Rentals

14.2.1 Except for multi-family buildings, only one Vacation Rental operation is permissible per real property.

14.2.2 Vacation rentals require the following:

- a) posting of contact numbers and maximum overnight occupant load in a visible location from the street for a home rental or from the public areas in a multi-unit building;
- b) Contact numbers for responsible party to be listed on the City of Penticton Business Directory;
- c) Require all advertising to include the City of Penticton Business Licence number;
- d) Require notification to all adjacent residents of the vacation rental business for high occupant vacation rental; and
- e) Require a “responsible host” review to consider renewals based on repeated bylaw infractions or nuisance enforcement files.

(Bylaw 2017-15)

## 14.3 Cannabis Retail Store (Bylaw No. 2018-67)

14.3.1 Notwithstanding the application requirements outlined in Section 4.0 of this bylaw, the following items are required to be submitted with an application for a cannabis retail store and will form part of the licence:

14.3.1.1 A document providing an overview of the business, including proposed branding of the business;

14.3.1.2 A safety and security plan; and

14.3.1.3 Colour elevations of the storefront, approved by the province, including all signage.

14.3.2 Any proposed changes to the branding of the store, the store name or storefront elevations, are required to conform to the Council Policy on Cannabis Retail Stores and constitutes an amendment to the business licence and is subject to City approval.

14.3.3 Hours of operation of a cannabis retail store are limited to between 9 a.m. and 8 p.m.

14.3.4 Roll shutters or security bars are not permitted on the exterior of a cannabis retail store, except in the case of a window or door facing a lane where permitted by Building Code. (Bylaw No. 2018-67)

## **15.0 BEACH, STREET & PARK VENDING**

- 15.1 Any Person applying for a Beach, Street & Park Vending Business Licence shall provide a copy of any contract or agreement, with the City which authorizes them to operate the Business on a City park, sidewalk or road, as the case may be.

## **16.0 TRADE CONTRACTORS**

- 16.1 Any Person applying for a Trade Contractor Business Licence shall provide proof of the mandatory Certification of Qualification or Apprenticeship Agreement along with their Business Licence application.

## **17.0 ARMORED CAR SERVICE, LOCKSMITH, PRIVATE INVESTIGATORS, SECURITY ALARM SERVICE, SECURITY CONSULTANT OR SECURITY PATROL**

- 17.1 All Persons renewing or applying for a Business Licence for, Armored Car Service, Locksmith, Private Investigators, Security Alarm Service, Security Consultant or Security Patrol, and all Employees thereof must be appropriately registered pursuant to the "*Security Services Act*" under the authority of the Provincial Ministry of Public Safety and Solicitor General and all Persons and Employees must submit documentation that demonstrates that they meet the licencing requirements of the *Security Services Act*.
- 17.2 All applications for Business Licences for Armored Car Service, Locksmith, Private Investigators, Security Alarm Service, Security Consultant or Security Patrol may be forwarded by the Licence Inspector to the RCMP for review prior to the issuance of a Business Licence.

## **18.0 SPECIAL EVENTS**

- 18.1 Unless otherwise provided herein, every Person desirous of holding a Special Event shall obtain a Business Licence prior to holding the Special Event.
- 18.2 A Business Licence is not required for a Special Event held at Premises that holds a valid Business Licence for a Special Event and the Premises are zoned to hold Special Events.
- 18.3 A Business Licence for each user or occupant at a Special Event is not required if the Person holding the Special Event holds a valid Business Licence for that Special Event.
- 18.4 The applicant for a Business Licence for a Special Event being held on City property shall submit, along with the Business Licence application, written authorization from the City to hold the Special Event on City property.
- 18.5 All machines, rides and equipment to be used by the public at a carnival or circus must conform to the safety requirements of the Safety Standards Act and all elevating devices must have the Identification Label provided for under the Safety Standards Act visibly attached as required.
- 18.6 Any and all structures that are erected as part of a circus or carnival shall be inspected and certified by a structural engineer authorized to practice in British Columbia.

## **19.0 VENDING MACHINES**

- 19.1 No Person owning or occupying any Premises shall keep or permit to be kept therein or thereon any Vending Machine or bank machine unless the Vending Machine Business or the bank machine Business holds a Business Licence and has paid the appropriate Business Licence Fee for each Vending Machine or bank machine.

## **20.0 NON PROFIT ORGANIZATIONS**

Non-profit organizations as designated under Non Profit Registration Bylaw 2011-47 are not required to obtain a business licence but will be required to register with the City.

## **21.0 GARAGE/YARD SALES**

Residential premises holding garage/yard sales are not required to obtain a business licence. Such garage/yard sales shall be limited to two (2) sale days per year per residence in single and two-family residential areas, or two sale days per building per year in multiple family areas.

## **22.0 FARMER'S MARKETS**

Farmer's Markets are required to obtain a business licence that will cover all the vendors participating in the market and will be required to enter into a contract with the City and will also be required to obtain a minimum commercial liability insurance policy of \$2M.

## **23.0 INDEMNITY**

- 23.1 Any Business providing Adult Services or Special Events shall, at the request of the Licence Inspector:
- 23.1.2 prior to the issuance or renewal of a Business Licence, deposit with the City an indemnity bond in an amount of not less than \$2,000,000.00, or a comprehensive liability insurance policy in the same amount, obtained from an insurance company licensed in the Province of British Columbia, naming the City as an additional insured, and stating that the policy applies to each insured as if a separate policy had been issued to each; and/or
  - 23.1.3 prior to the issuance or renewal of a Business Licence enter into a save and harmless agreement to protect, indemnify and save harmless the City, its elected and appointed officials and employees from and against any and all losses, claims, damages, actions, costs and expenses that the City may sustain, incur or suffer or be put to at any time with respect to the events or activities carried on pursuant to the Adult Services or Special Event described in the Business Licence or as a result of any matter, act or omission of the licensee or any agent, Employee, officer, director or subcontractor of the licensee.

## **24.0 PENALTIES**

- 24.1 Except as otherwise provided in this Bylaw, any Person who violates any of the provisions of this Bylaw or which suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligations imposed by this Bylaw commits an offence and is liable on summary conviction to a fine of not more than \$2000.
- 24.2 Every Person who commits an offence of a continuing nature is liable to a fine not exceeding \$100 for each day such offence is continued.
- 24.3 In addition to any other penalty, the Licence Inspector or the Bylaw Officer may issue Ticket Information(s) upon a Person or a Business for a violation of this bylaw.

## **25.0 BYLAW ENFORCEMENT**

- 25.1 The Licence Inspector, his designate from time to time or a Bylaw Officer may enforce the provisions of this Bylaw.

## **26.0 DUTY OF CARE**

- 26.1 This Bylaw does not create any duty of care whatsoever on the City, its elected and appointed officials, Employees or agents in respect of:
- 26.1.2 the issuance of a Business Licence;
  - 26.1.3 inspection made by the Licence Inspector or failure to make an inspection; and/or
  - 26.1.4 the enforcement of this Bylaw.

## **27.0 SEVERABILITY**

- 27.1 If any section, subsection, sentence, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## **28.0 MASCULINE/SINGULAR**

- 28.1 Whenever the masculine is used throughout this Bylaw, it shall also mean the feminine; and whenever the singular is used throughout this Bylaw, it shall also mean the plural.

## **29.0 BYLAW SHALL PREVAIL**

- 29.1 Subject to paragraph 1.2 herein, where the provisions of this Bylaw conflict with the provisions of any other bylaw of the City, the bylaw with the more stringent provision shall prevail.



**30.0 COMING INTO FORCE**

30.1 The City of Penticton Business Licence Bylaw No. 2010-90 and any amendments thereto are hereby repealed effective upon adoption of this bylaw.

READ A FIRST time this 16<sup>th</sup> day of April, 2012.

READ SECOND time this 16<sup>th</sup> day of April, 2012.

READ A THIRD time this 16<sup>th</sup> day of April, 2012.

Notice of intention to proceed with this bylaw was published on the 27<sup>th</sup> day of April, 2012 and the 2<sup>nd</sup> day of May, 2012 pursuant to Section 94 of the *Community Charter*.

ADOPTED this 7<sup>th</sup> day of May, 2012.

Original signed by

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Dan Ashton, Mayor

Original signed by

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Karen Burley, Corporate Officer