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THE CORPORATION OF THE CITY OF PENTICTON

NON-PROFIT REGISTRATION

NO. 2011-47

Amended by Bylaw 2012-5036 (September 17, 2012)

THE CORPORATION OF THE CITY OF PENTICTON
A BYLAW OF THE CORPORATION OF
THE CITY OF PENTICTON TO PROVIDE FOR
NON-PROFIT REGISTRATION IN THE CITY OF PENTICTON
BYLAW 2011-47

WHEREAS pursuant to the *Community Charter*, Council is empowered to regulate in relation to fire safety and new construction;

AND WHEREAS Non-Profit organizations are not required to obtain a business license but will be required to register with the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS AS FOLLOWS:

CITATION:

This bylaw may be cited for all purposes as the “Non-Profit Registration Bylaw 2011-47.

1.0 DEFINITIONS

1.1 For the purpose of this Bylaw, unless the context otherwise requires, the following definitions shall apply.

1.2 All definitions contained in the Zoning Bylaw shall apply to this Bylaw in the same manner as if they were set out herein.

“Building Bylaw” means the City of Penticton Building Bylaw No. 94-45 (1994) and as amended from time to time.

“Bylaw Notice” means a municipal ticket issued in accordance with the Bylaw Notice Bylaw.

“Bylaw Notice Bylaw” means Bylaw Notice Enforcement Bylaw 2011 No. 5000, and as amended from time to time.

“Bylaw Officer” means a Bylaw Officer appointed by the City.

“City” means The Corporation of the City of Penticton.

“City Clerk” means the City Clerk of the City.

“Council” means the Municipal Council of the City.

“Fees and Charges Bylaw” means the City of Penticton 2000 Fees and Charges Bylaw No. 2000-25 (2000), and as amended from time to time.

“Fire and Life Safety Bylaw” means the Fire and Life Safety Bylaw 2004-57 and as amended from time to time.

“Fire Chief” means the Fire Chief appointed by the City.

“*Freedom of Information and Protection of Privacy Act*” means the *Freedom of Information and Privacy Act*, R.S.B.C. 1996 c.165.

"Manager" means the Building & Permitting Manager, designate and other persons employed by the City of Penticton including Bylaw Officers, Building Inspectors, Fire Chief, and the City Clerk for the purpose of enforcing and carrying out this bylaw.

“Non-Profit Organization” means a club, society, or association that is organized and operated solely for social welfare, civic improvement, pleasure or recreation, or any other purpose except profit.

“Non-Profit Registration” means a registration issued pursuant to this Bylaw, and is in respect of Primary Premises.

“Owner” means any person who is the registered owner of the site 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, license or other agreement and includes any authorized representative of the aforesaid.

"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.

“Primary Premises” means the location where the Non-Profit Organization carries out the majority of its assemblies, excluding private residences.

“Procedure Bylaw” means the City of Penticton Procedure Bylaw No. 2004-23 (2004), and as amended from time to time.

“RCMP” means the Royal Canadian Mounted Police.

“*Safety Standards Act*” means the *Safety Standards Act* S.B.C. 2003 c.38.

“Zoning Bylaw” means the City of Penticton Zoning Bylaw No. 87-65, and as amended for time to time.

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 Manager is authorized to grant, issue, transfer, suspend or cancel a Non-Profit Registration as herein provided or refuse to grant, issue or transfer a Non-Profit Registration if primary premises do not comply with Building and Fire Safety Codes.
- 3.2 The Primary Premises from which an applicant for a Non-Profit Registration proposes to carry on or conduct any Non-Profit Organization in respect of which a Non-Profit Registration is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the City before a Non-Profit Registration 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 Non-Profit Organization.
- 3.3 The Manager may require confirmation of approval, in a form satisfactory to the Manager, from the Ministry of Health, R.C.M.P., City Building Department and/or the City Fire Department respecting a Non-Profit Registration application and in such cases the Manager must not issue such Non-Profit Registration until such approvals have been received. A Non-Profit Registration holder shall immediately notify the Manager of any suspension or cancellation for any such approvals and the Manager may suspend the Non-Profit Registration pending reinstatement of such approvals.
- 3.4 A Non-Profit Registration issued under this Bylaw is not a representation or acknowledgement by the City to an applicant or holder of a Non-Profit Registration that the proposed Non-Profit Organization complies with any or all applicable laws or other enactments.

4.0 APPLICATION FOR NON-PROFIT REGISTRATION

- 4.1 Information provided on the Non-Profit Registration application may be subject to "*Freedom of Information and Protection of Privacy Act*" enquiries.
- 4.2 No Non-Profit organization shall advertise, solicit or promote for a Non-Profit activity without first obtaining a non-profit registration.
- 4.3 Where a Non-Profit Organization's Primary Premises is a room or rooms owned and serviced by another Non-Profit Organization already in possession of a Non-Profit Registration, the first Non-Profit Organization is not required to register.
- 4.4 The Non-Profit Registration application shall be accompanied by:
 - 4.3.1 A completed application form;
 - 4.3.2 A site plan showing the location of the Primary Premises within the entire property boundary;

4.3.3 A fully dimensioned floor plan showing the floor layout of the building, including rooms and exits; and

4.3.4 A registered society number, where applicable.

5.0 INSPECTION OF PREMISES

5.1 Every Owner, occupier or Non-Profit Registration holder of any Non-Profit Organization in the city shall give to the Manager and to such Persons as the Manager may designate from time to time such access at any reasonable hour to such Primary Premises from which such Non-Profit Organization is carried on or any part thereof and such information with respect thereto as may be reasonably required to enable inspections of the Premises.

5.2 The Manager may inspect the Primary Premises for which a Non-Profit Registration application is made or a Non-Profit Registration is issued and such inspection shall be for the purpose of and limited to:

5.2.1 observe that the Non-Profit Organization is in accordance with the Zoning Bylaw.

5.2.2 observe the Non-Profit Organization and Primary Premises for compliance with the Building Bylaw, and the Fire and Life Safety Bylaw.

6.0 TRANSFER, CHANGE OR CANCELLATION OF NON-PROFIT REGISTRATION AT THE REQUEST OF THE NON-PROFIT ORGANIZATION

6.1 A holder of a Non-Profit Registration shall notify the Manager, in writing on the form provided prior to:

6.1.1 closing of the Non-Profit Organization;

6.1.2 changing the Non-Profit Organization name, phone number and/or fax number, emergency contact name, mailing address (Non-Profit Organization Information);

6.1.3 changing the Non-Profit Organization Owner or Non-Profit Registration holder;

6.1.4 changing the location of the Non-Profit Organization;

6.1.5 changes or additions to the Non-Profit Organization;

6.1.6 change to a liquor license or addition of a liquor license for the Non-Profit Organization.

7.0 PERIOD OF NON-PROFIT REGISTRATION

7.1 All Non-Profit Registrations 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:

7.1.1 a Non-Profit Registration is previously forfeited under this Bylaw;

7.1.2 a Non-Profit Registration is issued on a daily, weekly or monthly basis.

8.0 NON-PROFIT REGISTRATION FEES

8.1 Registration fees are not required for Non-Profit Organizations.

9.0 FORM AND DISPLAY OF LICENCE

9.1 Every Non-Profit Registration issued pursuant to this Bylaw shall be displayed upon request by the Manager.

10.0 RENEWAL OF NON-PROFIT REGISTRATION

10.1 Each Non-Profit Organization shall ensure that their Non-Profit Registration is renewed annually at the same time as the tax-exemption form is submitted.

11.0 REFUSAL, SUSPENSION OR CANCELLATION OF NON-PROFIT REGISTRATION

11.1 An application for Non-Profit Registration may be refused by the Manager in any specific case but:

11.1.1 the application cannot be unreasonably refused; and

11.1.2 on request the Manager must give written reasons for the refusal.

11.2 A Non-Profit Registration may be suspended or cancelled, by Council or by the Manager, for reasonable cause including, but not limited to, failure to comply with a term or condition of a Non-Profit Registration or failure to comply with this or any other Bylaw of the City.

11.4 Before suspending or canceling a Non-Profit Registration, Council shall:

11.4.1 give written notice to the Non-Profit Registration holder indicating the intention to cancel the Non-Profit Registration and indicating the reasons for the intended suspension or cancellation;

11.4.2 indicating the date and time of a show cause hearing and inviting the Non-Profit Registration holder to attend the hearing to speak before Council regarding the suspension or cancellation of the Non-Profit Registration; and

11.4.3 written notice of intention to cancel or suspend shall be delivered by registered mail to the address of the Non-Profit Organization and the address of the contact Person as indicated on the Non-Profit Registration application.

11.5 No Person shall carry on a Non-Profit Organization for which a Non-Profit Registration is required by this Bylaw during a period of suspension of such Non-Profit Registration.

12.0 APPEAL OF DECISION OF MANAGER

12.1 Any Person, who wishes to appeal a decision of the Manager, as it pertains to the authority exercised by the Manager under this Bylaw, may appeal to have Council reconsider the decision by giving written notice of appeal to the City Clerk. Such written notice of appeal shall state the grounds upon which the appeal is made. Upon receipt of a written notice of appeal the City Clerk 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 Manager, as it may deem appropriate.

13.0 DUTY OF CARE

15.1 This Bylaw does not create any duty of care whatsoever on the City, its elected and appointed officials, employees or agents in respect of:

15.1.1 the issuance of a Non-Profit Registration;

15.1.2 inspection made by the Manager or failure to make an inspection;
and/or

15.1.3 the enforcement of this Bylaw.

14.0 SEVERABILITY

16.1 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.

15.0 MASCULINE/SINGULAR

17.1 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.

16.0 BYLAW SHALL PREVAIL

16.1 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.

READ A FIRST time this 19 day of September, 2011.

READ A SECOND time this 19 day of September, 2011.

READ A THIRD time this 19 day of September, 2011.

ADOPTED this 3 day of October, 2011

Dan Ashton

Dan Ashton, Mayor

Marjorie Whalen

Marjorie Whalen
Corporate Officer