

## The Corporation of the City of Penticton

### Bylaw No. 2026-01

*A bylaw to provide for licencing of businesses in the City of Penticton*

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

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

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

#### 1. Citation

This Bylaw may be cited for all purposes as "Business License Bylaw No. 2026-01."

#### 2. 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.

**BUSINESS** means engaging in a trade, occupation, profession, commercial or industrial activity or undertaking of any kind but does not include an activity carried on by the Provincial Government, by corporations owned by the Provincial Government or by agencies of the Provincial Government.

**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.

**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.

**GENERAL MANAGER OF DEVELOPMENT SERVICES** or **MANAGER** means the person assigned to that position by the City or their designate responsible for acting in their place.

**FEES AND CHARGES BYLAW** means the City of Penticton Fees and Charges Bylaw 2014-07 as amended or superseded.

**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, Property and License Inspector, and Building Licencing Clerk.

**MOBILE VENDING UNIT** means a self-contained mobile unit not exceeding 20 m<sup>2</sup> in ground coverage, intended to be moved from location to location, for the purpose of offering for sale food or retail products.

**OUTDOOR MARKET** means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public. This may consist of vendors that include liquor sales and/or tasting within an outdoor market in accordance with the requirements of the BC Liquor and Cannabis Regulation Branch (LCRB).

**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.

**PRINCIPAL RESIDENCE** means the residence in which an individual resides for at least 185 days per calendar year, established to the satisfaction of the City, including by one or more of the following types of records: identification, driver's licence, insurance, bills, taxation, vehicle registration, utility bills, home owner grant.

**PROCEDURE BYLAW** means the Council Procedure Bylaw No. 2018-35 as amended or superseded.

**SPECIAL EVENT** means short term or temporary events, performances, concerts, exhibitions, entertainment or concessions, such as retail sale, auction, trade show, flea market, craft fair, circus or carnival, held at premises that do not have an existing Business Licence that permits the event.

**SHORT TERM RENTAL** means the rental of all or a portion of a dwelling unit to the vacationing public for a period of 90 days or less to a maximum of eight (8) guests.

**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. 2024-22 as amended or superseded.

### 3. Business Licence Requirements

- 3.1 Any **person** carrying on **business** in the City must first hold a valid and subsisting **business licence** issued by the City.
- 3.2 No **business** or **person** shall advertise, solicit or promote for a **business** activity without first obtaining a **business licence**.
- 3.3 Except as outlined hereafter, where a **business** is carried on in or from more than one **premises** within the boundaries of the City, each **premise** 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.
- 3.4 A **business** shall only be carried on at the **premises** for which the **business licence** has been issued.
- 3.5 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, and a new **business licence** may be required for the new activity as determined by the **Licence Inspector**.

### 4. Authority

- 4.1 The **Licence Inspector** is authorized to grant, issue, transfer, suspend or cancel a **business licence**.
- 4.2 The **Manager** is authorized to grant, issue, transfer, suspend or cancel a **business licence** and to refuse to grant, issue or transfer a **business licence**.
- 4.3 The **Licence Inspector** or **Manager** may only grant or issue a **business licence** if the **business licence fee** has been paid.
- 4.4 All **premises** from which an applicant for a **business licence** proposes to carry on or conduct any **business** in respect of which a **business licence** is required to be held pursuant to this Bylaw shall comply with all relevant Bylaws of the City before a **business licence** is granted.
- 4.5 An applicant for a **business licence** 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**.
- 4.6 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:
- 4.6.1 the **Licence Inspector** must not issue such **business licence** until they have received such approvals; and
- 4.6.2 a **business licence** holder shall immediately notify the **Licence Inspector** of any suspension or cancellation for any such approvals.
- 4.7 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.

## 5. Application for Business Licence

- 5.1 Every **person** applying for a **business licence** shall complete the **business licence** application form provided by the **Licence Inspector** or apply online on the prescribed application form.
- 5.2 No **person** shall provide incorrect or misleading information on an application for a licence.
- 5.3 If a **person** submits a licence application and additional information or documentation is required by the **Licence Inspector**, the **person** shall supply all required information and documentation within thirty (30) days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a licence must be submitted.

## 6. 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.

## 7. Transfer, Change or Cancellation of Business Licence at the Request of the Business

- 7.1 A holder of a **business licence** shall notify the **Licence Inspector** in writing prior to:
- 7.1.1 closing the **business**;
  - 7.1.2 changing the **business name**, phone number, emergency contact name, or mailing address (business information);
  - 7.1.3 changing the **business** owner or **business licence** holder;
  - 7.1.4 changing a liquor licence or adding 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 the **Fees and Charges Bylaw**.
- 7.3 Where more than one change is contemplated involving the **business** owner or **business** type, the existing **business licence** shall be deemed to be cancelled and a new **business licence** application shall be made.
- 7.4 Where a change in the location of the **business** or the type of **business** being carried out is contemplated, a new **business licence** application shall be made.

## 8. 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, monthly or seasonal basis.

## 9. Business Licence Fees

- 9.1 The **Licence Inspector** shall calculate and levy a **business licence fee** as set out in 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 **Business licence fees** are non-refundable.

## 10. 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 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. Renewal of Business Licence

- 11.1 Each **business** shall ensure that their **business licence** is renewed annually, in advance of its expiry date, whether notice is given by the City or not, and the **business** shall pay the annual **business licence fee**.

## 12. Refusal, Suspension or Cancellation of Business Licence

- 12.1 An application for **business licence** may be refused 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 for reasonable cause including, but not limited to, failure to comply with a term or condition of a **business licence**, failure to comply with this or any other Bylaw of the City, or repeated bylaw infractions or nuisance enforcement files in relation to the **business**.
- 12.3 Before suspending or canceling a **business licence**, the City shall:
- 12.3.1 give written notice to the holder of the **business licence** that the **business licence** may be suspended or cancelled, the reasons for the proposed suspension or cancellation; and
  - 12.3.2 provide the opportunity for the **business licence** holder to be heard before the suspension or cancellation of the **business licence**.
- 12.4 Written notice of intention to cancel or suspend shall be addressed 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** during a period of suspension or cancellation of such **business licence**.

### 13. Reconsideration of Decision of Licence Inspector or Manager

- 13.1 Any **person** who wishes to appeal a decision of the **Licence Inspector** or the **Manager** under this Bylaw may request that Council reconsider the decision by giving written notice to the Corporate Officer:
- 13.1.1 within ten (10) business days of the decision; and
  - 13.1.2 by written notice, stating the grounds upon which the request is made.
- 13.2 Upon receipt of a written notice of reconsideration the Corporate Officer shall set a time and a place for a hearing of the matter pursuant to the Delegations section of the **Procedure Bylaw**.
- 13.3 After hearing the matter, Council may confirm, vary or set aside the decision made by the **Licence Inspector** or the **Manager**.

### 14. Regulations

#### 14.1 Short Term Rentals

- 14.1.1 A maximum of one **short term rental business licence** may be issued per parcel.
- 14.1.2 Any person applying for the issuance or renewal of a licence to operate a **short term rental** must, in addition to meeting the requirements of the **Zoning Bylaw** provide, in the form satisfactory to the **Licence Inspector**, evidence that:
- a) the operator owns the dwelling unit where the **short term rental** accommodation will be offered, or the owner of the dwelling unit where the **short term rental** accommodation will be offered has consented to this use of the dwelling unit;
  - b) if the **short term rental** accommodation is offered within a strata lot, on the prescribed form approved by the **Licence Inspector**, confirmation from strata council that a **short term rental** accommodation does not contradict a Bylaw of the affected strata corporation.
  - c) provide in the form satisfactory to the **Licence Inspector**, evidence that the dwelling unit where the **short term rental** accommodation will be offered is occupied by the operator as their **principal residence**.
- 14.1.3 **Short term rental business licence** holders shall:
- a) post contact numbers and the maximum overnight occupant load in a visible location from the street and must display decal;
  - b) list contact numbers on the City of Penticton Business Directory; and
  - c) include the City of Penticton **business licence** number in all listings, advertising and promotion for the **business**.

#### 14.2 Mobile Vending Units

- 14.2.1 Any **person** applying for a **mobile vending unit business licence** shall provide a copy of any contract or agreement with the City which authorizes the **business** on the City park, sidewalk or road, as the case may be.

### 14.3 Cannabis Retail Store

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.

14.3.4 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.

### 14.4 Shopping Carts

14.4.1 **Businesses** that provide shopping carts for customer use must ensure that each cart is clearly marked with store identification and contact information. This information must be securely affixed and easily legible.

14.4.2 Public Works or Bylaw staff may remove a shopping cart found occupying any portion of a highway or public place and transport them to the City Yards.

14.4.3 It is the responsibility of the **business licence** holder to arrange for the pickup of any shopping carts stored at City Yards.

14.4.4 Carts that remain unclaimed for more than 30 days are subject to a fine. Carts left unclaimed for more than 60 days may be recycled or otherwise disposed of by the City at its discretion.

### 14.5 Vending Machines

14.5.1 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.

### 14.6 Non-Profit Organizations

14.6.1 Non-profit organizations as designated under Non-Profit Registration Bylaw No. 2011-47 are not required to obtain a **business licence** but shall register with the City.

### 14.7 Outdoor Markets

14.7.1 **Outdoor markets** shall obtain one **business licence** in respect of all vendors participating in the market.

### 14.8 Special Events

14.8.1 Unless otherwise provided herein, every **person** desirous of holding a **special event** shall obtain a **business licence** prior to holding the **special event**.

- 14.8.2 **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**.
- 14.8.3 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**.
- 14.8.4 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.

## 15. Indemnity

- 15.1 Any **business** providing **outdoor markets** or **special events** shall, at the request of the **Licence Inspector**:
  - 15.1.2 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
  - 15.1.3 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 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.

## 16. Exemptions

- 16.1 A **business licence** is not required for garage/yard sales held at residential premises; provided that 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.
- 16.2 A **business license** is not required for the rental of a secondary suite or carriage house to residential tenants, for periods of more than ninety days

## 17. Offences

- 17.1 Any **person** who violates any of the provisions of this Bylaw, or who 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 \$50,000.
- 17.2 Each day an offence continues constitutes a separate offence.

**18. Severability**

18.1 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.

**19. Repeal**

19.1 The City of Penticton Business Licence Bylaw No. 2012-5020 and any amendments thereto are hereby repealed upon adoption of this Bylaw.

READ A FIRST time this	day of	, 2026
READ A SECOND time this	day of	, 2026
READ A THIRD time this	day of	, 2026
ADOPTED this	day of	, 2026

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Julius Bloomfield, Mayor

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Angie Collison, Corporate Officer