

BUSINESS LICENCE AND REGULATION BYLAW
For the Village of

HARRISON HOT SPRINGS

BYLAW No. 1128, 2018



Bylaw 1128, 2018
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VILLAGE OF HARRISON HOT SPRINGS BYLAW NO. 1128

A Bylaw to provide for the regulation and licencing of Businesses in the Village of Harrison Hot Springs

WHEREAS section 8(6) of the *Community Charter, SBC 2003, c.26*, as amended from time to time, allows the Council to establish by bylaw, the ability to regulate in relation to Business;

AND WHEREAS the Council is authorized and empowered, under sections 15, 59(1) and 60(1) of the *Community Charter, SBC 2003, c.26*, as amended from time to time, to provide for the collection of licence fees, granting and issuance of Business Licences, establish different classes of Businesses, regulate the conduct of Businesses, or refuse to issue a Business Licence within the Village for the protection of the public and prevent and minimize nuisances and misleading Business practices;

AND WHEREAS section 154 of the *Community Charter, SBC 2003, c.26*, as amended from time to time, Council may, by bylaw, delegate its powers, duties and functions to an employee of the Village;

NOW THEREFORE in open meeting assembled, the Council of the Village of Harrison Hot Springs enacts as follows:

PART 1 TITLE, PURPOSE, APPLICATION AND DEFINITIONS

1.1 Title

- a) This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs, "Business Licence and Regulation Bylaw No. 1128, 2018".

1.2 Purpose

- a) The purpose of this Bylaw is to regulate the conduct of Business within the Village of Harrison Hot Springs for the benefit of the community.

1.3 Application of this Bylaw

- a) This Bylaw applies to all Lands, including the surface of water, and all uses, Buildings and other Structures located within the boundaries of the Village of Harrison Hot Springs, as amended from time to time, and as shown on Schedule "A", the Zoning Map contained within the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time.

1.4 Definitions

- a) The following definitions, and this includes the applicable definitions contained within the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time, apply to this Bylaw;

Building or Structure

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time;

Business and Professional Services

means the carrying on or the provision of any Commercial undertakings within the Village Boundaries, whether for profit or not. For the purposes of this Bylaw it does not include any activity carried out on or by either the Federal or Provincial governments including corporations or agencies owned by them, or by any public transit authority. For the purposes of this Bylaw it also includes any Contractor related activities; such as but not limited to any or any combination of the following:

- i) construction,
- ii) alteration,
- iii) repairs, or
- iv) maintenance,

upon a Building or Structure;

Business Licence

means a valid and subsisting Business Licence issued and approved pursuant to this Bylaw;

Busker or Busking

means a performance in any of the performing arts, and must be an approved part of a sanctioned event in which an individual or a group provide free entertainment to the public;

Bylaw Enforcement Officer

means the person duly appointed by Council or under contract with the Village to enforce the regulations of any Village Bylaw;

Cannabis

has the same meaning as outlined in the *Cannabis Act, SC 2018, c 16*, as amended from time to time and includes any product containing Cannabis;

Cannabis Dispensary

means a use of Land, a room, Building or Structure where cannabis or any cannabis by-product is prepared and provided to any member of the Community for a fee or if applicable to any club member that may or may not include any payment of club fees. This includes but is not limited to the delivery of the product and the operation of any club, or any not for profit or profit organization, that provides this type of product or service, but excludes a Medical Cannabis Production Facility;

Cannabis Operation

means the cultivating, growing, producing, packaging, storing, distributing, retail sales, advertising, trading, the performance of any research and innovation activities on legal cannabis or its derivatives but excludes a Medical Cannabis Processing Facility;

Commercial Uses

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Contractor

means an individual or a company that provides any or any combination of the following types of functions within the Village:

- i) the construction of any Building or Structure;
- ii) any Alteration of any Building or Structure;
- iii) any repairs to a Building or Structure; or
- iv) any maintenance on a Building or Structure;

and this includes any improvements that run with the Land or are within or attached to any Building or Structure;

Council

means the Council of the Village of Harrison Hot Springs;

Daycare

means either a Commercial Use that provides care for a child under the *Community Care and Assisted Living Act, SBC 2002, c 25*, as amended from time to time or the provision of care without the approval as outlined through the *Community Care and Assisted Living Act, SBC 2002, c 25*, as amended from time to time;

Farmers' Market

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time, but excludes any reference to a Mobile Food Truck;

Fire Safety Inspection

means an inspection of any Lands Buildings or Structures, that is under consideration for a Business Licence, conducted by either the Village of Harrison Hot Springs Fire Department or a qualified individual or company that can assess the fire hazards of the Lands, Building or Structure.

Franchisee Licence Holder

means either a person or company that has been granted the ability or is legally entitled to do business under a specific trademark, trade name and/or business model, by the owner of the trademark, trade name or business model.

Highway

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time;

Home Occupation

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time;

Land

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw 1115, 2017*, as amended from time to time;

Licencee

means the person who holds a Licence issued pursuant to this Bylaw;

Licensed Premises

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Medical Cannabis Production Facility

means the use of Buildings and Structures for the purposes of growing, processing, packaging, testing, destroying, storing or shipping Marihuana as authorized by a license issued under the *Access to Cannabis for Medical Purposes Regulations, SOR/2016-230*, as amended from time to time;

Micro-Brewery, Winery, Distillery

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Mobile Vendor

means a person who, either on his own account or as an officer, servant, or agent of another, sells or offers for sale food items, excluding liquor, from a Mobile Vending Cart;

Mobile Vending Cart or Food Truck

means a self-contained hand mobile apparatus or other vehicle, used for the sale of food items only and does not include any selling of liquor;

Neighbourhood Pub

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Non-Profit Society

means a charitable society or organization that is incorporated and in good standing under the *Societies Act, SBC 2015 c. 18*, as amended from time to time;

Non-Resident Business

means a Business that is carried on in or from premises located outside the Village with respect to which any work or service is performed or offered in the Village;

Pop-Up Retailer

means a temporary use of Public Space, or the temporary authorized use of Land or a Building or Structure to sell retail items, for a short period of time, and the method of sales may or may not include from the back of a truck, a tractor trailer unit, some other type of Motor Vehicle, a trailer or a portable storage unit. This does not include any Tourist Kiosk Sales Booth or any retailer that is affiliated with a Sanctioned Event;

Public Space

means any real property or portions of real property owned or subject to a right of occupation by the Village to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of any community Building or Structure, boulevard, sidewalk and public parking lots;

Real Estate Licencee

means a person who is a Licencee under the *Real Estate Services Act, SBC 2004, c. 12*, and who occupies or uses Buildings or Structures or Land in the Village for the carrying on of that Business

Restaurant

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Retail Establishment

has the same definition as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Sanctioned Event

means an event that has been approved or authorized by the Village;

Tourist Accommodation

has the same meaning as outlined in the *Village of Harrison Hot Springs Zoning Bylaw, 1115, 2017*, as amended from time to time;

Tourist Kiosk Sales Booth

means a stand alone booth, generally placed in a high traffic area to advertise, sell or provide information on tourism related businesses or events; and

Village

means the Village of Harrison Hot Springs.

PART 2 BUSINESS LICENCING REGULATIONS

2.1 Business Licence Requirements

- (a) Unless specifically exempted by this Bylaw, as outlined in section 2.13 (a)(i) and (ii), a person must not carry on or perform any Business, in the Village unless there is a valid Business Licence issued under this Bylaw.
- (b) Every person who owns or operates any Business must apply for, obtain and hold a Business Licence for each type of Business.
- (c) Every person who operates a Business from more than one Building or Structure, in the Village, must obtain a separate Business Licence for each Business that they own or operate.
- (d) Every person who operates a Business in the Village, must comply with all the applicable Bylaws of the Village and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such Business.
- (e) Unless specifically exempted in this Bylaw, a person must have a separate Business Licence for each type of Business that they are operating, own or set up as the authorized franchise licence holder, even if the Businesses are located in the same Building or Structure.
- (f) Every Non-Profit Society that carries on a Business, in addition to its primary purpose, is required to hold a valid Business Licence.

- (g) Notwithstanding section 2.0(f) above and the provisions of Schedule “A” of this Bylaw, where a Non-Profit Society is registered as a charity under the *Income Tax Act, RSC 1985, c.1 (5th Supp.)*, as amended from time to time, no fee will be charged by the Village for such Business Licence.

2.2 Business Licence Application Requirements and Fees

- (a) An application for a Business Licence must be made on the prescribed application form, as amended from time to time, and be accompanied by the required Business Licence fee, as prescribed in Schedule “A” as attached to and forming a part of this Bylaw.
- (b) Every application must include a detailed description of the Building or Structure in or upon which the applicant intends to carry on Business. This includes any or all of the following:
- i) square footage information;
 - ii) a floor plan;
 - iii) the proposed parking area for the required number of parking spaces
- (c) The Village reserves the right to request a letter of authorization from the property owner for which the Business will be operated from, if the applicant is not the property owner.
- (d) Every application form, as applicable, must be accompanied with a copy of all the necessary approvals from Federal, Provincial or Municipal government authorities such as, but not limit to a:
- i) Health Certificate, from the appropriate Health Inspector;
 - ii) Fire Safety Inspection. The inspection report must be in writing and must contain any required mitigation requirements of any potential fire hazards;
 - iii) Liquor and Cannabis Regulatory Branch approval or certificate for all Licenced Premises.
- (e) Where an applicant applies for more than one Business Licence, the particulars of each Business Licence applied for must be included on a separate application form.
- (f) Notwithstanding the annual Business Licence fee prescribed in Schedule “A”, as attached to and forming a part of this Bylaw, a refund may be applicable. If applicable, any refund of the Business Licence fee must be calculated in the following manner:

- i) 100-percent of the fee paid minus a \$25.00 non-refundable application fee equals the refundable balance.
- (g) If applicable, the refundable balance must be provided, only under the following conditions:
- i) if the application is withdrawn prior to the issuance of the Business Licence; or if
 - ii) the Business Licence application has been refused.

2.3 Enforcement, Severability and Administration of this Bylaw

2.3.1 Enforcement and Implementation Provisions

- a) This Bylaw is designated under the provisions of Section 260 of the *Community Charter, SBC 2003, c. 26*, as amended from time to time, as a Bylaw that may be enforced by means of a ticket issued under the provisions of the Bylaw Notice Enforcement Bylaw;
- b) Any person who violates any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of 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 is subject to penalties under the Bylaw Notice Enforcement Bylaw;
- c) Each day that a contravention or violation of or failure to perform any provision of this Bylaw continues to exist will be deemed to be a separate offence; and
- d) Failure to renew a Business Licence for a Business that continues to operate, may be subject to a fine under the Bylaw Notice Enforcement Bylaw for operating a Business without a Business Licence. In addition to the fine, the License holder must pay the penalty fee, as outlined in Schedule "A", that is attached to and forms a part of this Bylaw.
- e) The following individuals are hereby authorized and empowered to enter upon any Lot, or Building or Structure, outlined on the Business Licence, between the hours of 8:30 am to 4:30 pm, to ascertain whether the provisions of this Bylaw are being adhered to:
 - i) Chief Administrative Officer or their delegate;
 - ii) Bylaw Enforcement Officer; and
 - iii) Fire Chief.

2.3.2 Severability

- a) If any part, section, subsection, paragraph, sentence, clause, phrase or schedule of this Bylaw is for any reason found invalid by the decision of any Court of competent jurisdiction, such decision must not affect the validity of the remainder of this Bylaw or the validity of the Bylaw as a whole.

2.3.3 Administration

- a) The Chief Administrative Officer or their delegate is hereby appointed by Council to administer this Bylaw.

2.4 Term of the Business Licence

- a) Each Business Licence issued, pursuant to this Bylaw, must be considered as an annual Business Licence for one calendar year that starts on January 1st and expires on the 31st day of December of each year.

2.5 Display of the Business Licence

- a) Every Licencee must keep a copy of their Business Licence posted in a conspicuous place in the Building or Structure for which the Licence is issued.
- b) Where the Licencee has no Business operating from a Building or Structure in the Village, the Business Licence must be carried upon the Licencee's person at all times when the Licencee is engaged within the Village in the Business for which the Licence was issued.

2.6 Effect of the Business Licence

- a) A Business Licence authorizes the Business owner/operator or the franchisee licence holder to provide only the Business described in the Business Licence, and only in the Building or Structure or location provided in the Business Licence.
- b) The issuance of a Business Licence is not a representation or warranty that the Licenced Business or the Business operation complies with the Bylaws of the Village or with any other Federal, Provincial regulations or standards.
- c) A Business Licence is not transferable to another business entity, or any other third party or for use at another location.

2.7 Business Licence Renewal

- a) If a Licencee fails to renew a Business Licence prior to February 1st of the next year, then, in addition to the annual Licence fee, that person must pay a late payment penalty prescribed in Schedule "A" of this Bylaw.

2.8 Changes in the Business Licence Conditions

- a) If an applicant, Business owner/operator or Franchisee Licence Holder proposes any changes to the Business Licence with respect to location or conditions of a licence, the applicant, Business owner/operator or franchisee licence holder must advise the Village Office of such changes, in writing.

2.9 Granting or Reissuing a Business Licence

- a) The Village may grant a Business Licence under this Bylaw when the Village is satisfied that the applicant has complied with the requirements of this Bylaw and any other Village Bylaw related to the conduct of the Business.
- b) In granting or renewing a Business Licence, the Village may impose terms and conditions in relation to the following aspects of the Business:
 - (i) hours of operation; and or
 - (ii) occupant load.
- c) When issuing or reissuing a Business Licence, the Chief Administrator or their delegate must be satisfied that all the Bylaw requirements of the Village have been met. This includes any Bylaws or required inspections that addresses any or all of the following issues:
 - i) Building regulations;
 - ii) Zoning regulations;
 - iii) Health requirements;
 - iv) Sanitation requirements;
 - v) Business regulations; and
 - vi) Fire Inspections.
- d) Notwithstanding 2.9(c) above, the Village may refer the Business Licence application to any third party regulatory or review authority as required, to impose any additional terms and conditions. If it referred out the regulatory or receiving agency has 30 Working Days in which to

responded to the referral. The Village may extend this referral deadline, if requested in writing.

- d) In addition to the above, the Chief Administrative Officer or their delegate may also refer the Business Licence application to Council to impose any additional terms and conditions.

2.10 Refusal of a Business Licence

- a) An application for a Business Licence or renewal of a Business Licence may be refused in any specific case, but
 - i) the application must not be unreasonably refused; and
 - ii) the reasons for the refusal must be provided to the applicant in writing.

2.11 Suspension or Cancellation of a Business Licence

- a) One or more of the following circumstances may, without limitation, constitute reasonable cause for suspension or cancellation of a Licence:
 - i) the Licencee has made a false declaration or has misrepresented or concealed a material fact with respect to the application for a Business Licence;
 - (ii) the Licencee fails to maintain the standard of qualification required to carry on the Business for which the Business Licence was issued or with respect to the Lot or the Building or Structure for which the Business Licence was issued;
 - (iii) the Licencee has failed to comply with this Bylaw or with a term or condition of the Business Licence;
 - (iv) in the opinion of the Village, the Licencee has engaged in misconduct with respect to the Business or Building or Structure named in the Business Licence, which misconduct warrants the suspension or cancellation of the Business Licence;
 - (v) the Licencee is found to have committed a violation of any applicable Village Bylaw or is convicted of an offence under a Federal or Provincial enactment in respect of the Business for the which the Licence was issued or with respect to the Premises for which the Licence was issued;
 - (vi) the Licencee is convicted of an indictable offence in Canada, which offence is, in the opinion of the Village, directly related to the conduct of the Business.

- b) A Business Licence that has been suspended may be reinstated, subject to 2.11(a), when the suspension conditions of the Business Licence have been satisfied and applicable fees as prescribed in Schedule "A" of this Bylaw are paid prior to the Business Licence being reissued.

2.12 Right of Reconsideration of Council

- a) If the Village suspends, cancels the Business Licence or has refused to grant a Licence, or has imposed a term or condition that the applicant considers is unreasonable, the applicant who is subject to the decision is entitled to have Council reconsider the matter.
- b) On reconsideration of the application, Council may either sustain, refuse or amend the application, its terms or the conditions of approval.

2.13 Exemptions to the Business Licence Requirements

- a) Notwithstanding section 2.0(b) and 2.5(b) above, the following Businesses are exempt from the requirements of this Bylaw:
 - i) Any Day Care Operations; any
 - ii) Real Estate Licencee, subject to the following conditions; no Business Licence is required to carry on any real estate Business unless the realtor occupies Land or uses a Building or Structure in the Village to carry on its Business,
 - iii) any type of school, or any
 - iv) Apartment Business with five or less Dwelling Units for rent.

2.14 Street Address Numbers

- a) Every Licencee who operates from premises located in the Village must prominently display, in figures not less than 100 mm (4 inches) in height, the street address assigned to such premises under the street numbering system of the Village.

2.15 Fire Inspection Reviews for the Transfer of a Business Licence

- a) The Business Licence applicants must pay the applicable Fire Inspection fee as prescribed in an applicable Bylaw, as amended from time to time, prior to the Business Licence being transferred.

PART 3 BUSINESS TYPES PROHIBITED IN THE VILLAGE OR A PORTION OF THE VILLAGE

3.1 Types of Business Prohibited or Prohibited in Certain Zones

- a) The following types of Businesses are prohibited from operating within the Village boundaries, as amended from time to time:
 - i) animal shows;
 - ii) Buskers or Busking in an unsanctioned Event;
 - iii) Cannabis Dispensary;
 - iv) Cannabis Operations;
 - v) Door-to-door sales of any type;
 - vi) Medical Cannabis Production Facility, located on any non-ALR land;
 - vii) Mobile Vendor;
 - viii) Mobile Vending or Food Truck;
 - ix) Pawnbrokers;
 - x) Pop-up Retailers – in an unsanctioned Event;
 - xi) Tourist Accommodations in any Residential Zone

PART 4 – REPEAL AND EFFECTIVE DATE

4.1 Repeal

- a) With the adoption of this Bylaw, the *Village of Harrison Hot Springs Business Licencing and Regulation Bylaw No. 945, 2010* and any amendments thereto are hereby repealed in their entirety.

4.2 Effective Date

READINGS AND ADOPTION

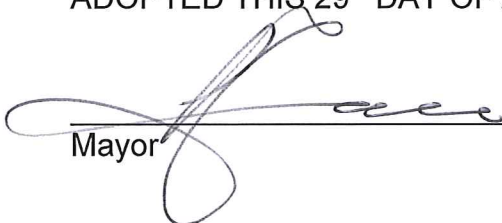
READ A FIRST TIME THIS 19th DAY OF FEBRUARY, 2019

READ A SECOND TIME THIS 19th DAY OF FEBRUARY, 2019

NOTICE OF INTENT was published on the 21st and 28th days of March, 2019 pursuant to section 59(2) of the Community Charter.

AMENDED AND RECONSIDERED A THIRD TIME THIS 15TH DAY OF APRIL, 2019

ADOPTED THIS 29th DAY OF APRIL, 2019



Mayor



Corporate Officer

SCHEDULE "A"
BUSINESS LICENCE AND REGULATION
BYLAW NO. 1128, 2018

ANNUAL FEES & CHARGES¹

1	Business Licence non-refundable application fee	\$25.00
2	Business Licence fee	\$100.00
3	Fire Inspection fee	\$75.00
4	The late penalty fee, must be applied on any renewed application received after January 31 st	10% of licence fee

Notes:

- 1/. Notwithstanding the fees in the above referenced table, the final required fee can be any combination of the above.