

CORPORATION OF THE CITY OF GREENWOOD
BUSINESS LICENCE BYLAW NO. 891, 2015

A Bylaw to require owners or operators of a BUSINESS to hold a valid and subsisting Licence for the carrying on of such Businesses; to fix and impose the Licence Fees and to provide for the collection of such Licence Fees and the granting and issuing and transferring of Licences.

WHEREAS in accordance with the *Community Charter*, a municipality may, by bylaw, regulate in relation to business;

AND WHEREAS in accordance with the *Community Charter*, a municipality may provide for a system of licences;

AND WHEREAS in accordance with the *Community Charter*, a municipality has additional powers in respect of business regulation.

The Council of the City of Greenwood, in open meeting assembled, enacts as follows:

- 1. This Bylaw may be cited as the “City of Greenwood Business Licence Bylaw No. 891, 2015”.**
- 2. “City of Greenwood Business Licence Bylaw Number 583, 1989”, and all amendments thereto, are repealed.**

PART ONE – INTERPRETATION

- 1.1** Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the City of Greenwood, as amended, revised, consolidated, or replaced from time to time.
- 1.2** Unless otherwise defined in this Bylaw, all words and phrases in this Bylaw shall have the meaning given to them in the British Columbia Local Government Act, Interpretation Act or the Community Charter. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Part Two of this Bylaw are used in the body or schedules of the Bylaw, they have the meaning ascribed to them as set out in Part Two.
- 1.3** Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of the Bylaw shall remain valid and enforceable.

- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw. Any reference in this Bylaw to a part, section or clause, unless otherwise specified, is a reference to a part, section or clause in this Bylaw.
- 1.5 Whenever the masculine is used throughout this Bylaw, it shall also mean the feminine; and whenever the singular is used throughout the Bylaw, it shall also mean the plural.
- 1.6 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 1.7 This bylaw does not create any duty of care whatsoever on the City, its elected and appointed officials, employees or agents in respect of the issuance of a business licence and/or inspections made by any City department or failure to make and inspection and/or enforcement of this bylaw.
- 1.8 Metric units are used for all measurements in this Bylaw.
- 1.9 All schedules attached to this Bylaw shall form part of this Bylaw.

PART TWO – DEFINITIONS

In this Bylaw, unless the context requires otherwise:

AGENT means any person, who by mutual consent, sells, solicits, offers for sale, or takes orders for, or attempts to sell, goods, services, investments or any other thing, at a place other than his permanent place of business, whether personally or for the benefit of another, including but not limited to a sales representative or a person in care and control of the premise where a business is being conducted.

APPLICANT means any person who applies for a licence or renewal of a licence; under the provisions of the Bylaw, who is the owner of such business, or who is an agent acting on behalf of that owner.

BANK / CREDIT UNIONS Financial Institutions

BED & BREAKFAST ESTABLISHMENT means any residential building where temporary accommodation for tourists is provided as per the provisions of the current *City of Greenwood Zoning Bylaw* and where the room rate includes breakfast provided on the premises.

BYLAW OFFICER means the officers or employees appointed by City Council as such.

CARRY ON, CARRYING ON, CARRIED ON, and CARRIES ON means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as a principal or agent.

CHARITABLE SOCIETY means a society or organization which is registered as a charitable society or organization under the *Income Tax Act (Canada)* and is qualified to issue tax receipts to its donors.

CASINO means premises used for the purpose of playing games of chance or mixed chance and skill, including those played on a slot machine, computer, video terminal or other electronic device, on which money may be wagered and for which authority has been given under the *Gaming Control Act*, but does not include bingo halls.

CITY means the City of Greenwood, a municipal corporation in the Province of British Columbia, and includes the area contained within the boundaries of the City of Greenwood where the context requires.

CIRCUS AND CARNIVAL means a secondary use providing a variety of shows, games and amusement rides including ferris wheels, merry go round, or other similar rides in which the patrons take part, for a period of less than fourteen (14) days and may include, but is not limited to a circus, fair or exhibition.

CONTRACTOR means any person, resident or nonresident, who performs any type of construction or building work or service for a fee or provides materials, except where a licence fee for a different type of business is imposed elsewhere in this bylaw.

DWELLING UNIT means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

FARMERS' MARKET means a temporary or seasonal market for the display and sale of farm produce and products in an open air or indoor venue. These markets must be British Columbia nonprofit organizations, whether incorporated or not, with at least 6 vendors, that operate for two (2) or more hours per day for a minimum of four (4) markets per year.

FEES & CHARGES BYLAW means the current *City of Greenwood Fees & Charges Bylaw*.

FLOOR AREA means the total floor area occupied by a business within exterior and demising walls or party walls including interior partitions and other improvements.

FOIPOP means the *Freedom of Information and Protection of Privacy Act*, and information provided on a business licence may be subject to *Freedom of Information and Protection of Privacy Act* inquiries.

HOME BASED OCCUPATION means a business being carried on within a dwelling or accessory building located in a residential area where the place of residence is the primary use and the business is the secondary use as defined in the current *City of Greenwood Zoning Bylaw*.

HORSE DRAWN CARRIAGE means a carriage, wagon, dray or other conveyance or vehicle with a driver and drawn by horses, used primarily for sightseeing or charter purposes, and includes horse drawn vehicles used for special events pursuant to the current *City of Greenwood Horse Drawn Carriage Bylaw*.

INDUSTRY A business in the industrial zone. Manufacturing, a branch of trade, or commercial undertaking that provides services concerted or copious activity.

LICENCE, LICENCED, AND LICENCES means a licence or reference to a licence issued under this Bylaw.

LICENCE FEE means those fees attached to licence types which are prescribed in the current Fees & Charges Bylaw.

LICENCEE means a person holding a valid and subsisting licence.

LIQUOR LICENCE means a liquor licence issued in accordance with the regulations of the *Liquor Control and Licensing Act*.

LIQUOR PRIMARY means a business type where the primary business involves the sale of liquor as opposed to food and the business holds a liquor licence pursuant to the regulations of the *Liquor Control and Licensing Act*.

FOOD PRIMARY means a business type where the primary business involves the sale of food as opposed to liquor and the business holds a liquor licence pursuant to the regulation of the *Liquor Control and Licensing Act*.

MEDICAL HEALTH OFFICER means a person designated under the *Public Health Act* as a Medical Health Officer.

MOBILE VENDOR means any person who offers for sale and immediate delivery any food, goods, or merchandise from a motor vehicle, temporary structure or display, or stand that is not permanently affixed to real property.

MULTIPLE BUSINESS means a person who carries on two or more businesses from one premise, and excludes Farmers Markets and Special Events. (4.4 and 4.5)

NON PROFIT means a society or organization which is not registered as a charitable society or organization under the *Income Tax Act (Canada)* and is not qualified to issue tax receipts to its donors.

PREMISES(S) means an area of land, including a lot or parcel of land with or without buildings and/or structures including but not limited to a store, office, dwelling unit, warehouse, factory, building, enclosure or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business.

NON-RESIDENT means a business, other than a resident business, carried on in the City or with respect to which any work or service is performed in the City, but which does not maintain a permanent residence within the City.

ROOM RENTALS means, excluding secondary suites, letting or making rooms available for living accommodation either in a hotel, motel, auto court, apartment, rooming houses, or elsewhere, which do not necessarily contain cooking, eating, living, sleeping and sanitary facilities.

SEASONAL LICENCE means a licence that is valid for a period of six (6) consecutive months in a twelve (12) month period and is calculated as one-half (1/2) of the regular licence fee for the licence type pursuant to the current *Fees & Charges Bylaw*.

SECONDARY SUITE means a secondary dwelling unit in a building as defined in the City of Greenwood Zoning Bylaw, as amended from time to time.

SECONDHAND DEALER means a person who carries on the business of purchasing, selling, procuring or offering for sale used or second-hand items whether on a wholesale or retail basis.

SPECIAL EVENT BUSINESS LICENCE means a business licence involving short term or temporary events with mobile vendors that, except as provided otherwise in this Bylaw, does not exceed fourteen (14) consecutive days in duration. The business licence is applied for by an event coordinator and includes but is not limited to all outdoor events or gatherings or events proposed to use public properties such as parks or roads, including but not limited to fairs or concerts. Excluding events organized by a branch of the City.

TEMPORARY LICENCE means a business licence that is valid for a limited length of time from on (1) day to thirty (30) consecutive days in a twelve 12 month period.

UNCLASSIFIED means any business for which a licence is required as defined by this Bylaw and includes every person within the City, any profession, business, trade, occupation, employment or calling, not herein before enumerated or who enters into or carries on any contract to perform any work or furnish any material.

CITY OF GREENWOOD ZONING BYLAW means the current *City of Greenwood Zoning Bylaw* as amended from time to time.

PART THREE – APPLICATION PROCESS

3.1 A business licence is required for every business carried on in the City whether or not the business is carried on in or from a premises in the City and a person must not carry on any business within the City; unless that person has a valid and subsisting licence pursuant to this Bylaw.

3.2 Every applicant for a licence must make a true and correct statement in writing on the application form disclosing the nature and character of the business to be carried on, the

address of the business and all other facts as required on the application form and such other information as the City may reasonably require.

- 3.3** Every business shall conform to the provisions of this Bylaw and any other bylaw, or law of British Columbia or Canada applicable to that business and it is the responsibility of the person, not the responsibility of the City to obtain the inspection and approvals required under applicable laws or bylaws.

PART FOUR – LICENCE FEES

- 4.1** Council considers registered, charitable societies or organizations to be contributing to the general interest and advantage of the City. Every registered, charitable society or organization is required to hold a valid and subsisting licence. However, the production of an approved government nonprofit or charitable society registration number allows the annual business licence fee to be waived.
- 4.2** A licence is valid for up to one (1) year, seasonal and temporary licences which shall be valid for a term of six (6) months, one (1) month or one (1) day. All licences expire on December 31, or sooner, in each year.
- 4.3** No licence fee paid shall be refundable with the exception of a licensee who receives a licence but does not commence carrying on or operating the business in respect of which the licensee was granted. The licensee shall then be entitled to a refund of all but twenty five (25 %) percent of the licence fee upon making written application for a refund to the City.
- 4.4** Where multiple businesses are carried on from the same home based occupation premises by the same person such businesses shall be considered one business for the purpose of the licence fee.
- 4.5** Where multiple businesses are carried on from the same building, operated or owned by the same licensee and the businesses are accessible to each other through internal doorways without leaving the structure, such businesses shall be considered one premise for the purpose of the licence fee. Excluding apartment rentals.
- 4.6** Any person who purchases an interest in a business, and who operates that business without first having obtained a licence for that business; is in violation of this Bylaw.
- 4.7** A licensee must renew a licence, other than a temporary licence, special event licence or seasonal licence, by submitting the required licence fee prior to the beginning of each licence period. It is the licensee's responsibility to renew a licence regardless of whether the licensee has received a renewal invoice or not.
- 4.8** A business in respect of which the licensee fails to renew the licence within three (3) months from January 1 of each year as required by this Bylaw shall be considered no longer active and the licence shall be cancelled by the City.

- 4.9 In every case where there is a trade, occupation, profession or business practiced by two or more persons in partnership, it shall be deemed a sufficient compliance with this Bylaw if one licence is applied for and one fee is paid in the name of the partnership.
- 4.10 Upon the termination or closing of a business, the licensee shall notify the City that a business licence is no longer required.
- 4.11 The licensee or person in charge or control of the premises in which a business for which a licence is issued is carried on; shall at all times keep the licence or licences prominently displayed in the area of the premises to which the public have access. For businesses that are not carried on at a fixed location, the business licence must be carried on their person and must be produced when requested for public inspection.
- 4.12 A licence is not a representation or warranty that the licenced business or the business premises complies with the bylaws of the City or with any other regulations or standards.
- 4.13 Every building permit holder shall provide a list of all sub-trades engaged on each specific job, on request of the City.
- 4.14 All licence fees are exempt from Provincial and Federal Taxes.
- 4.15 A business in the industrial zone with 10 or more employees will be charged an increased licence fee.

PART FIVE – SPECIFIC LICENCE REQUIREMENTS

In addition to meeting the requirements of Part 3 and Part 4, applicants for the following specific categories of licences must satisfy the applicable requirements specified in this Part at the time of application, before a licence is issued.

- 5.1 **Automobile Dealer (new and Used)** – Every automobile dealer (new and used) applicant must provide the City with a copy of the Motor Dealer’s certificate of registration issued to such applicant under the *Motor Dealer Act*. Each existing automobile dealer (new and used) licensee shall provide the City with a copy of said certificate upon request.
- 5.2 **Circus and Carnival** – Every person desirous of holding an exhibition, circus, carnival or other itinerant show or entertainment (“the event”) unless otherwise provided for herein, shall obtain a business licence prior to holding the event. However, no licence shall be issued to any person for the purpose of holding the event on City property until such person has filed with the City. If the “the event” is held by a branch of the City, the event holder is not required to obtain a business licence.
- (a) Evidence of obtaining and maintaining a comprehensive general liability policy of insurance which holds the City harmless against all claims, actions for bodily injury, death and property damage including loss of use thereof. The insurance shall name

the City as an additional insured; and

(b) the period for a licence with respect to the event being held elsewhere than in a licenced place shall be for a period not to exceed fourteen (14) days.

- 5.3 Horse Drawn Carriage** – Every horse drawn carriage applicant and licensee must review and comply with the current *Horse Drawn Carriage Bylaw*.
- 5.4 Mobile Vendor** – Every applicant for a Mobile Vendor’s licence must review and comply with all applicable regulations and policies as established by the City and the Health Officer.
- 5.5 Vehicles for Hire** – No person shall operate, or permit to be operated, in the City a commercial passenger vehicle unless such commercial passenger vehicle is duly licenced under the provisions of the *British Columbia Passenger Transportation Act*.
- 5.6 Farmers’ Market** – Every Farmers’ Market applicant must obtain a licence that shall cover ALL the vendors participating in the market inclusive of mobile concessions and prior to allowing the sale of any goods, be able to provide evidence that all vendors intending to sell food products have complied with any conditions, restrictions or requirements of the City and the Health Officer.
- 5.7 Sidewalk Cafes, Displays and Retail Sales** – Every applicant for sidewalk cafes, displays or retail sales on City sidewalks must comply with the current Sandwich Board Policy.
- 5.8 Secondary Suites** – Secondary Suites shall be permitted in accordance with the current City of Greenwood Zoning Bylaw and all homeowners with secondary suites must obtain and hold a valid and current licence.
- 5.9 Special Events** – Unless otherwise provided for herein, every person desirous of holding a special event where there shall be mobile vendors shall obtain a special event business licence prior to holding the special event, however,
- (a) A licence for each mobile vendor at a special event is not required if the person coordinating the special event holds a valid licence for the mobile vendors for that special event; and
 - (b) The applicant for a special event business licence for a special event being held on city property shall submit, along with the licence application, written authorization from the City to hold the special event on City property with confirmation of acceptable comprehensive insurance coverage reflecting the City as an additional insured.

- 5.10 Vending on City Streets** – Unless otherwise permitted by a licence issued under this Bylaw, a person must not canvas or solicit business on any street or from anyone in the City.

PART SIX – GENERAL EXEMPTIONS

- 6.1** A licence is not required for a business carried on by the City, the Province of British Columbia or the Government of Canada or a Crown Corporation created by either Government.
- 6.2** No licence is required with respect to a performance, concert, exhibition, entertainment or concession that is held in a licenced premises, excluding the businesses mentioned in subsection 5.2.
- 6.3** No licence is required for owners or operators of taxi cabs or Community driver programs who only discharge passengers within City limits.
- 6.4** No licence is required for the business of letting or renting rooms if not more than two (2) rooms are available for letting or renting excluding Bed & Breakfast establishments and Secondary Suites.
- 6.5** No licence is required for the business of daycare or senior care if not more than two (2) persons are being supervised or cared for at any given time.
- 6.6** No licence is required for garage / yard sales when held on residential premises and such sales shall only be permitted six (6) sale days per year per residence and six (6) sale days per year per building in multiple family areas.

PART SEVEN – SUSPENSION OF LICENCES

- 7.1** Subject to the *Community Charter*, Council may suspend or revoke a licence issued under the provision of this Bylaw or refuse to grant the request of an applicant under this bylaw if an applicant.
- a) is convicted of any offence under any bylaw or Statute of the Province of British Columbia in respect of the business or type of business to which the licence relates, or with respect to the premises named in the licence;
 - b) has, in the opinion of Council, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the licence;
 - c) has ceased to meet the lawful requirements to carry on the business for which he is licenced or with respect to the premises named in the licenced;

- 7.2 The suspension or revocation of a licence by Council shall be made; in writing, signed by the Corporate Officer and served on the licensee of such licence by registered mail to the address given by the licensee on the application for the licence. A notice suspension or revocation of a licence may be posted by the City upon the premises for which the licence was issued and such notice shall not be removed until the licence is reinstated, the former licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started in the premises.
- 7.3 Prior to revoking or suspending a licence, council shall give the licensee notice of the proposed action and an opportunity to be heard in respect of the matter. The notice shall be mailed by registered mail to the licensee at the address of the business in question or hand-delivered to the licensee.
- 7.4 Within ten (10) days of receiving the notice issued under 7.3 of this Bylaw, a licensee may request an opportunity to be heard by Council in respect of the suspension or cancellation of a licence by notifying the Corporate Officer for the City of Greenwood.
- 7.5 On request by an applicant, Council shall give written reasons for its decision to suspend, revoke, or refuse to issue a licence.

PART EIGHT – BYLAW VIOLATIONS AND PENALTIES

- 8.1 In accordance with section 16 of the *Community Charter*, the designated person by Council to inspect Licences and the Bylaw Officer are hereby authorized to enter at all reasonable times on any property that is subject to the regulation of this Bylaw, in order to ascertain whether such regulations or directions as contained in this Bylaw are being met or observed.
- 8.2 No person may obstruct a bylaw officer or licence inspector in the fulfilment of his or her duties.
- 8.3 This Bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the *Community Charter* and the *Local Government Bylaw Notice Enforcement Act*. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within the City's current *Municipal Ticket Bylaw* and the current *Bylaw Notice Enforcement Bylaw*.
- 8.4 Every person who:
- a) contravenes any of the provisions of this Bylaw;
 - b) causes or permits or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw; or
 - c) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw,

is guilty of an offence and upon conviction shall be liable for the costs of prosecution and

1. a fine and penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000),

Each day such offence continues is deemed to constitute a separate offence, and separate fines, each not exceeding the maximum fine for that offence, may be imposed for each day or part thereof in respect of which the offence occurs or continues.

8.5 In addition to the penalties set out in section 9.4, a court may also make orders in accordance with section 263.1 of the *Community Charter*, as amended.

8.6 Nothing in this bylaw limits the City from utilizing any other remedy that would otherwise be available to the City at law, including remedies available through prosecution or civil remedies, including injunction.

PART NINE – APPEAL PROCEDURES

9.1 A licensee whose licence has been suspended, or revoked or an applicant whose application for a licence has been refused may appeal in writing to Council, and upon such appeal, Council may confirm or set aside such suspension, revocation, or refusal on such terms as it may think fit.

Read a first time this	9	day of	Nov	2015
Read a second time this	9	day of	Nov	2015
Read a third time this	9	day of	Nov	2015
FINALLY ADOPTED this	23	day of	Nov	2015


Mayor


Acting CAO

Certified a true copy of Bylaw No. 891, 2015
As adopted by Resolution No. 260-15
on the 23 day of Nov, 2015.



CITY OF GREENWOOD

Schedule "A"

Attached to and forming
Part of Bylaw No. 891, 2015

BUSINESS LICENCES – TYPES OF BUSINESSES	
Contractors	40.00
Market	40.00
Home Occupation	40.00
Non Resident	40.00
Resident Business (0-100 sq meters)	40.00
Resident Business (101 -300 sq meters)	40.00
Resident Business (301-600 sq meters)	40.00
Resident Business (601-2500 sq meters)	40.00
Resident Business (over 2500 sq meters)	60.00
Room Rentals up to 10 units	40.00
Secondary Suites	40.00
Special Events	40.00
Seasonal Licence (6 months)	20.00
Temporary Licence	15.00
Unclassified	40.00
Multiple Businesses (4.5 / 4.6)	60.00
Bank / Credit Union	100.00