

*DISTRICT OF SECHELT
BUSINESS
LICENSE
BYLAW
No. 180, 1992*



Consolidated for convenience September 2009

This Consolidation includes the following Bylaw Amendments:
(Note: 180-2, 1996 was defeated)

180-1, 1993	180-6, 2003
180-3, 1997	180-7, 2004
180-4, 1998	180-8, 2009
180-5, 1999	

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT
Business License Bylaw
Bylaw No.180, 1992

**A bylaw to provide for the licensing of businesses
in the District of Sechelt**

WHEREAS, the Council of the District of Sechelt deems it necessary and expedient to provide for the issuance of business licenses;

NOW THEREFORE, the Council of the District of Sechelt, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the District of Sechelt "Business License Bylaw No. 180, 1992".

2. DEFINITIONS

- 2.1 "Animal Hospital" means, a hospital for animals including dogs and cats on premises where no animals are kept or boarded except as part of their hospital treatment.
- 2.2 "Contracting", shall include building construction, road building, paving, excavation or any of the building trades or subtrades, including blasting and fabricating.
- 2.3 "Direct Door-to-Door Sales" shall mean, a peddler as defined in this Bylaw.
- 2.4 "License Inspector" means the person from time to time duly appointed as License Inspector for the District of Sechelt and also any person lawfully acting in that capacity.
- 2.5 "Peddler" means a person selling, taking orders, conducting telephone solicitations, or deploying and demonstrating goods, wares or other merchandise directly to or from the public on a highway or any public place, a private premises or in private premises occupied by the prospective purchaser or in another persons commercial premises.
- 2.6 "Proprietor" means a person who ultimately controls, governs or directs the activities carried on within the kinds of premises referred to in this Bylaw and includes the person actually in charge of the premises.
- 2.7 "Short Term Residential Rental" means the rental of a dwelling unit on a daily, weekly or other short term basis for less than four (4) consecutive weeks.

2.8 "Vending Machine" means a machine or device operated by insertion of coin or slug and without limiting the generality of the foregoing, includes a coin operated machine for the selling or disposing or processing of goods or for the purpose of providing music, games, amusements, photocopies, or services of any kind.

3. APPLICATIONS AND BUSINESS LICENSE FEES

3.1 Subject to provisions of the Community Charter and the Local Government Act, no person shall carry on a business within the District of Sechelt unless:

- (a) That person has first paid the business license fee prescribed for such a business in "Schedule A" attached to and forming part of this Bylaw; and
- (b) That person is the holder of a valid and subsisting business license issued by the License Inspector under the provisions of this Bylaw for each business carried on.

3.2 Every person making application for a business license for the first time shall pay the prescribed fee for the business license at the time of application.

3.3 Every person carrying on business within the District of Sechelt shall apply for a renewal of a business license prior to the commencement of each succeeding license period and shall pay the prescribed fee for such business license at the time of application for the business license.

3.4 A business license fee prescribed by "Schedule A" to this Bylaw shall be reduced by one half (1/2) in respect of a person who becomes liable to be licensed after the 31st day of July in each and any year and the term of that license shall be until December 31st of that year except as otherwise provided in this Bylaw.

3.5 No license fee paid under this Bylaw shall be refundable except where granting of the license is denied by the License Inspector and the License has not been issued.

3.6 An application for a business license or a business license renewal shall be in writing on the form prescribed by the License Inspector and shall contain a true and correct statement specifying the nature and character of the business being provided and be signed by the proprietor or duly authorized agent.

3.7 The application for business license shall be delivered to the License Inspector and shall be accompanied by the fee prescribed in "Schedule A" attached to and forming part of this bylaw.

- 3.8 The fee charged for annual renewal of a business licence shall be decreased by \$25.00 (Twenty Five Dollars) if it is paid before January 31st of the year prior to the year for which the fee is being paid.

4. PERIOD FOR LICENSES

- 4.1 Except as otherwise provided in this Bylaw, a business license shall be granted for a one year period, to commence on the 1st day of January and terminate on the 31st day of December in each and every year.
- 4.2 The period for a business license for a circus, horse show, horse racing, dog show, pony show, exhibition or other itinerant show or entertainment when held elsewhere than in a licensed theatre or other licensed place, shall be for one day.
- 4.3 The period for a business license for a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment or exhibition shall be 6 months.

5. FORM AND PARTICULARS FOR LICENSES

- 5.1 A business license granted under this Bylaw is granted only to the person named as licensee, and a new owner of that business shall apply for a new license under the terms of this Bylaw.
- 5.2 No person shall carry on business in more than one premises under one license.
- 5.3 No person shall change the location of a business without first obtaining a transfer of the license, and paying the prescribed fee for the transfer of the license, and the particulars of the transfer shall be endorsed by the License Inspector upon being satisfied that the new location satisfies the terms of the relevant building, zoning, health, sanitation, and business requirements within the Municipality.
- 5.4 The form of the business license shall be prescribed by the License Inspector.
- 5.5 It shall be a term of every business license for premises licensed under the Liquor Control and Licensing Act for the sale of liquor for consumption on the premises, that no liquor shall be sold or served to patrons between the hours of 1:00 a.m. and 10:00 a.m. except for New Year's Eve at which hours of sales for the consumption of liquor on the premises will be permitted from 10:00 a.m. to 2:00 a.m. The Council may authorize extended business hours for specified dates (special occasions), either generally or in respect of individual premises specified in an authorizing Council resolution. Every license issued under this Bylaw shall be posted in a conspicuous place on the premises or the thing or article in respect

of which the license is issued and anyone failing to post, and keep posted as aforesaid, shall be guilty of an infraction of this Bylaw and be liable to the penalties hereof.

- 5.6 The Council may, by resolution, impose terms and conditions on business licenses for premises licensed under the Liquor Control and Licensing Act for the sale of liquor for consumption on the premises when an extension for specified dates (special occasions) is permitted.

6. Section 6: NON-RESIDENT SECURITY DEPOSITS, has been repealed.

7. ADMINISTRATION

- 7.1 The Council of the District of Sechelt delegates to the License Inspector the power to grant, issue, deny, transfer, suspend and cancel business licenses as provided in this Bylaw and the Community Charter and the Local Government Act.
- 7.2 The License Inspector is authorized to devise an application form and to make modifications to the prescribed application form as deemed necessary when dealing with any owner applying for licenses for one business or more than one business.
- 7.3 The License Inspector may impose terms and conditions on any business license issued pursuant to this Bylaw including without limitation terms and conditions:
- (a) that security in a form and amount satisfactory to the Licence Inspector be provided to the District of Sechelt in respect of any business;
 - (b) with respect to hours of operation;
 - (c) with respect to manner of operation;
 - (d) with respect to the impact of the business on neighbouring properties; and
 - (e) that are available at law and which in the opinion of the License Inspector should be imposed.
- 7.4 In addition to any other terms and conditions that the License Inspector may establish and impose pursuant to Section 7(3) the businesses described in Schedule “B” will be subject to the terms and conditions set out in Schedule “B”.
- 7.5 The License Inspector or any Peace Officer or Medical Health Officer is authorized to enter at any reasonable time or times any premises, place or vehicle in respect of which a business license has been granted under the provisions of

this Bylaw, to ascertain whether the provisions of this Bylaw and the Community Charter and Local Government Act are being observed.

- 7.6 The License Inspector may refuse to grant, issue, renew or transfer a business license for reasonable cause, including without limitation where the License Inspector is not satisfied that the business or the applicant or holder of the business license is complying with federal, provincial or local government statutes, bylaws and regulations including without limitation those regulating building, business, health, sanitation and zoning.
- 7.7 The License Inspector is hereby authorized to suspend, for the period deemed appropriate by the License Inspector, or cancel a business license:
- (a) where the holder of a business license has failed to comply with a term or condition of a licence;
 - (b) where the holder of a business license has failed to comply with this Bylaw; or
 - (c) for reasonable cause.
- 7.8 A person whose business license has been refused, suspended or cancelled by the License Inspector and who intends to appeal such refusal, suspension or cancellation to the District of Sechelt Council shall, within ten (10) days from the date of suspension or cancellation, inform the District Clerk, in writing, of the intention to appeal such refusal, suspension or cancellation.
- The notice of intention to appeal shall state in a concise fashion the grounds upon which the appeal is based.
- The District Clerk shall refer the matter to the District of Sechelt Council for reconsideration.
- 7.9 All premises in or upon which the applicant proposes to conduct a business may first be inspected by the License Inspector and a Medical Health Officer before a license is granted and the applicant shall, upon request, produce certificates or letters of approval by building, septic and fire inspection authorities, or other provincial authorities as may be required.
- 7.10 All fees collected by the License inspector under this bylaw shall be paid forthwith to the Treasurer of the District of Sechelt who shall deal with the fees in the manner provided by the Community Charter and the Local Government Act.”

8. OFFENCES AND PENALTIES

- 8.1 A person who contravenes the provision of this Bylaw is guilty of an offence and is subject to the penalties permitted under the Offence Act or relevant Municipal Ticket Information (M.T.I.) Bylaw.
- 8.2 The penalty that may be imposed upon an owner found guilty of an offence shall be a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offence and a separate offence shall be deemed to be committed on each day during and on which the offence continues under this Bylaw.

9. REPEAL OF PREVIOUS BYLAW

The "District of Sechelt Business License Bylaw No. 14, 1987" together with all amendments is hereby repealed.

READ A FIRST TIME THIS 16th DAY OF DECEMBER, 1992

READ A SECOND TIME THIS 16th DAY OF DECEMBER, 1992

READ A THIRD TIME THIS 16th DAY OF DECEMBER, 1992

RECONSIDERED AND FINALLY ADOPTED THIS 18th DAY OF DECEMBER, 1992

Mayor

Municipal Clerk

SCHEDULE "A"

1. Basic Business Categories

- (1) The fee for a business licence for a business in any one of the following classifications shall be \$125.00 (One Hundred and Twenty-Five Dollars) unless otherwise specified in this Bylaw:

Accountant
Advertising Agency
Agency for a Non-resident Business
Airline (Regular or Charter)
Apartment Complex
Architect
Artist or Art Dealer or Crafts Shop
Auctioneer
Auto Body Repair Shop
Automobile Dealer/Auto Sales (new and used)
Automobile Garage or Service Station or Mechanic
Automobile Wrecker
Automotive Parts Supplier

Bank, Credit Union, Loan Company, Mortgage Broker or Stock Broker
Baker
Barber, Beauty Parlour or Hairdresser
Barrister and Solicitor
Bed and Breakfast Accommodation
Billiard or Pool Room
Boat Builder
Boat Charters or Boat Rentals
Bookkeeper
Bus Service

Camp Site or Tenting Ground
Carpet or Rug Cleaning Service
Car Wash
Chimney Service or Chimney Sweep
Chiropractor
Cinema, Theatre, Movie Theatre, Drive-In Theatre or Theatre Operator

Cold Storage Plant

Collection Agent
Concert Hall, Meeting Hall, Dance Hall or Cabaret
Contracting
Courier or Delivery Service
Crafts Fair
Craftsperson

Dancing School
Daycare
Decorator
Delicatessen
Dental Mechanic
Dentist
Direct and Door-to-Door Sales or Peddler
Doctor or Medical Specialist
Dog, Cat, Horse or Pony Show (Per Day)
Dressmaker
Driving School
Drycleaner

Employment Agency
Exhibition Hall or Ice Rink

Fitness Clinic
Fitness Instruction/Fitness Centre
Florist
Food, Fish or Meat Processing or Canning
Fuel Dealer, Bulk Oil Station

Golf Course

Healer or Herbalist
Hotel or Motel
House Trailer or Camper Sales or Rentals

Insurance Agency

Janitor or Housecleaner
Jeweller

Landscaper or Gardener
Land Surveyor
Laundry

Mail Order
Manufacturer
Mortician or Funeral Parlour
Moving and Storage or Warehouse or
Mini-Storage
Music Teacher

Notary Public
Nursery

Opera House Theatre or Movie Theatre
Optometrist or Ophthalmologist

Parking Lot
Pawn Broker or Second-Hand Dealer
Pharmacist
Photographer
Physiotherapist
Printer or Publisher
Printing (Reproduction or Photographic
Development or Job Printer or
Newspaper)
Private Hospital
Professional Engineer
Pub (Public House, Lounge, Bar or
Tavern)
Real Estate Agency
Recreational Vehicle Park or
Trailer Court
Rental of Tools, Machinery and
Equipment

Repair Services (including Shoemaker)
Restaurant, Dining Lounge, Cafe or
Cafeteria
Retail Sales of Any Kind (not otherwise
specified)

Sand or Gravel Extraction including
Delivery
Scrap Dealer
Seamstress, Tailor, Clothing Alterations
or Dressmaker
Secretarial Services/ Stenographer/ Word
Processor
Security Service
Septic Tank Service
Shopping Centre Management
Sign Painter

Tailor
Taxi or Limousine Services or Tow
Truck
Travel Agency
Trucking Business (Transport)

Upholsterer

Vending Machines
Veterinarian Clinic
Veterinarian Hospital
Video (Video Machine Rentals and Sales
or Video Rentals and Sales or Order)

Weight Loss Clinic
Welder or Blacksmith
Wholesale Supplier

Businesses Not Named:

- (2) The fee for a business licence in a classification not specifically listed in this Bylaw shall be \$125.00 (One Hundred and Twenty-five Dollars) and shall be deemed to be a business in the Basic Business Category.

Multiple Businesses:

- (3) For a single business that provides goods or services in two or more of the classifications under the Basic Category or classifications in that Category together with one or more other classifications the fee shall be 40% more than the fee for the Basic Business Category (\$50.00 more).

2. **Fairs/Carnivals, etc.**

The fee for a circus, carnival or amusement fair shall be \$300.00 (Three Hundred Dollars) per day.

Carnival or Fair or Exhibition, Itinerant Show or Entertainment (Per Day)

3. **Exhibitions**

The fee for an exhibition event, mall display or trade show shall be \$200.00 (Two Hundred Dollars) per day.

4. **Transfer of Location**

The administration fee for transferring the location of the business under Subsection 5(3) shall be \$20.00 (Twenty Dollars).

SCHEDULE "B"

SHORT TERM RESIDENTIAL RENTAL LICENSE TERMS AND CONDITIONS

In order to lessen the impact of the short term rental of residential dwelling units in the community in general and residential neighbourhoods in particular the following terms and conditions must be met to obtain, continue to hold and renew a business license to operate a short term residential rental business. These terms and conditions are in addition to any other terms and conditions which may be imposed by the License Inspector.

1. Every applicant for and holder of a short term residential rental business license must provide the District of Sechelt with the name, address and telephone number of a person residing in the District on a permanent basis ("Local Contact"). The Local Contact must be available, and if not, the owner must be available, to respond to and deal with in a timely and appropriate manner any complaints or problems from short term residential rental tenants or neighbouring residents in respect of the property that is the subject of the business license. It shall be the obligation of the license holder to notify the District of Sechelt immediately if the name, address or telephone number of the Local Contact changes.

The owners of properties within 100 metres of the short term residential rental property shall be notified in writing of the name, address and telephone number of the Local Contact (or owner where local contact not applicable) within thirty (30) days of the granting or renewal of a short term residential rental business license or within thirty (30) days of notification of a change in the name, address or telephone number of the Local Contact.

2. Vehicle parking for short term residential rental tenants or guests of short term residential rental tenants shall be restricted to the property and, where permitted by law, that portion of the road immediately adjacent to the property.
3. Prior to the granting of a short term residential rental business license the applicant shall be required to deposit with the District of Sechelt, in addition to the business license fee, the amount of \$1000 (the "Deposit"). The Deposit shall be held by the District of Sechelt as security against any costs incurred by the District of Sechelt as a result of investigations, hearings, appeals or other enforcement actions undertaken by the License Inspector or the District of Sechelt, whether initiated by the License Inspector or the municipality or resulting from third party complaints, in respect of the operation of the short term residential rental business. If any deductions are made to the Deposit the holder of the business license will forthwith replenish the Deposit to the original amount. The Deposit or any portion remaining after deduction will be returned to the person who paid it within sixty (60) days of the cancellation or termination or failure to renew the business license.
4. The holder of a short term residential rental business license must display a copy of the business license and the name, address and telephone number of the Local Contact in a

prominent location on the premises. Signage advertising the short term residential rental business is not permitted on the property except as follows:

- (i) one (1) unlit sign not exceeding one and a half feet by two feet (1½' x 2') in size containing only the address of the property, the name, address and telephone number of the Local Contact and, where applicable the name of the property, business or owner.
5. Transportation of short term residential rental tenants or guests of short term residential rental tenants to the short term residential rental property by vehicles with a capacity of sixteen (16) passengers or more is prohibited.
6. The holder of a short term residential rental business license must keep a written record of the names of all short term residential rental tenants.
7. Short term residential rental tenants or guests of short term residential rental tenants are prohibited from bringing pets onto a short term residential rental property.
8. The Local Contact shall attend at the property at the commencement of all short term residential rentals and meet the short term residential rental tenants.
9. A Local Contact, including any member of their immediate family, may not be a Local Contact for more than two (2) separate properties unless the Local Contact is the registered owner of such properties.