

**VILLAGE OF KASLO**  
**BYLAW NO. 1260, 2021**

**A BYLAW TO ESTABLISH BUSINESS LICENCING AND REGULATING OF  
BUSINESSES, OCCUPATIONS AND TRADES WITHIN THE VILLAGE OF KASLO**

WHEREAS the *Community Charter* provides that Council may, by bylaw, regulate business;

NOW, THEREFORE, Council of the Village of Kaslo, in open meeting assembled, ENACTS AS FOLLOWS:

**1. Title**

This Bylaw may be cited as "Business Licence Bylaw No. 1260, 2021".

**2. Definitions**

**Applicant** means any Person who makes an application for a license under this bylaw.

**Business Class** means a classification of different types of businesses and business activities.

**Business Name** means the name, words, trademark, or symbol that a Business uses to identify, indicate, or advertise the Business.

**Business – Resident** means a business carried on in or from premises within the Village.

**Business – Non-resident** means a business other than a resident business, carried on in the Village or with respect to which any work or service that is performed in the Village.

**Cannabis Related Business** means a business that, in accordance with provincial and federal licensing and regulations:

- provides the retail sale of cannabis; or,
- produces cannabis products.

**Community Event** means a public event occurring within the Village organized by a government organization, registered charity or non-profit society.

**Commercial Landlord** means a Person or business who holds a legal or beneficial interest in any premises within the Village and leases, lets, or rents all or part of such premises to any other Person for the purpose of operating a business.

**Council** means the Council of the Village of Kaslo.

**Inter-Community Business Licence** means a type of business license that authorizes a non-resident business to operate within the boundaries of the Village in accordance with the Village's "Inter-Community Business Licence Bylaw No. 1250, 2020" as amended or replaced.

**Land Use Bylaw** means the Village's "Land Use Bylaw No. 1130" as amended or replaced.

**Licence Fee** means the annual fee applicable to the Business Class in Schedule "D" of Fees and Charges Bylaw No. 1271, 2021.

**License Inspector** means:

- a Person appointed as Licence Inspector by Council; or,
- the Village's Chief Administrative Officer, Corporate Officer, or their designates.

**Licensee** means the Person holding a Business License.

**Mobile Vendor** means a business which offers for sale from a stationary vehicle, cart, or temporary stall that is not part of a permanent use on the lot, goods that are permitted to be sold in the Zone in which the vehicle or stall is located.

**Officer** means a:

- Bylaw Enforcement Officer designated by Council to enforce this bylaw;
- the Village's Chief Administrative Officer, Corporate Officer, or their designates; and
- a Peace Officer.

**Outdoor Market** means the carrying on of a business to organize a group of three (3) or more merchants, vendors or participants, to gather in one outdoor location to offer handicrafts, produce and vegetables, food, new and used goods, wares, or merchandise for sale.

**Premise** means a fixed or permanent location where the Licensee ordinarily carries on Business.

**Temporary Business License** means a Business License issued for a Mobile Vendor, Outdoor Market, Trade Show or Community Event for a limited time.

**Trade Show** means the carrying on of a business to organize a group of five (5) or more merchants, vendors or participants, to gather in one location or building to offer goods, wares, food, or merchandise for retail sale or wholesale.

**Vending Machine** means any machine or device operated mechanically or otherwise by inserting a coin, token or slug, or by credit or debit card, or any electronic form of payment, for the purpose of:

- selling or dispensing any goods, wares, merchandise, refreshments, confections and food, tobacco products, detergents, except clothes washers or dryers; and,
- machines or devices providing a service, amusement, game, or music.

**Village** means the Village of Kaslo.

**Zone** means the land use zone established by the Land Use Bylaw.

### **3. Licence Required**

- 3.1. A Person who owns or operates a business within the Village shall apply for, obtain, and hold a Resident Business Licence for each Business.
- 3.2. A Person who carries on a Business from more than one premises in the Village shall obtain a separate Business Licence for each premises.
- 3.3. A Person who carries on a Business within the Village but has no premises in the Village:
  - a. shall hold a Non-Resident Business License; or,
  - b. if the Business is licensed in a municipality that is part of the Inter-Community Business Licence program may, instead of a Non-Resident Business License, hold a valid Inter-Community Business License issued by that municipality.

### **4. Application**

- 4.1. A Business Licence application shall contain, as a minimum, the following information:
  - a. the Business Name;
  - b. disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking or thing to be carried on, maintained, owned or operated by the Person;
  - c. providing the mailing address, physical address, phone number, email and contact information for the Business;
  - d. declaring the number of Persons engaged or occupied in the Business;
  - e. floor area of the building that the Business occupies;
  - f. the Person's or Business' Canada Revenue Agency Business Number or a declaration that they are not required to register.
- 4.2. Despite section 4.1, an Applicant may apply for a Business License online through the Provincial Government's One Stop Business Registration service, but the Village cannot approve the application until the Applicant pays the License Fee and provides any further information required by the Village.
- 4.3. The License Inspector shall reject an Application if the proposed Business Name:
  - a. is confusingly similar to the name of another business;

- b. implies that the Business provides the services of a regulated occupation for which no person associated with the Business is duly accredited and in good standing with that occupation's certification, regulatory or licensing body; or,
  - c. suggests an affiliation with a government, public institution, or the Crown.
- 4.4. The Village may request confirmation of approval, in a form satisfactory to the Licence Inspector, from the Ministry of Health, Liquor & Cannabis Regulation Branch, R.C.M.P., the Regional District of Central Kootenay Building Inspector or Fire Department respecting a Business Licence application and the License Inspector shall not issue a Business Licence until such approvals are received.
- 4.5. A Licensee shall immediately notify the Village of any suspension or cancellation of required approvals, accreditation or certification and the Licence Inspector may suspend the Business Licence pending reinstatement of those articles.
- 4.6. A Business shall not be licensed to operate in a Zone that does not permit proposed use or activity.
- 4.7. A Business located in a residential area must conform to the Home Occupation regulations of the Land Use Bylaw.
- 4.8. Information provided on the Business Licence application may be subject to "Freedom of Information and Protection of Privacy Act" enquiries.

## **5. Business Licence Period**

- 5.1. A Business License is valid for a period of one calendar year commencing on January 1st and ending on December 31st of the same year.

## **6. Licence Fees**

- 6.1. The License Fees and Business Classes are specified in Schedule D of the Village of Kaslo Fees and Charges Bylaw No. 1271, 2021 as amended or replaced.
- 6.2. The License Fee applicable to the Business Class is payable to the Village by:
- a. an Applicant upon submission of their application for a Business License; or,
  - b. a Licensee upon their receipt of an invoice from the Village for the annual renewal of their Business License.
- 6.3. License Fees are non-refundable once a license is issued.
- 6.4. If an application for a Business License is denied or withdrawn before a license is issued, the Applicant may request a refund of the License Fee less an administrative charge that is the greater of \$25.00 or 10% of the License Fee.

- 6.5. Because Business Licenses are issued for the calendar year, a License Fee may be reduced pro-rata if an application for a new Business License, other than a Temporary Business License, is made on or after the following dates in the year:
- a. April 1, 25% fee reduction;
  - b. July 1, 50% fee reduction;
  - c. October 1, 75% fee reduction; or
  - d. December 1 and on or before December 31, the Applicant shall pay the full amount, but the license issued shall be valid to the end of the subsequent calendar year.

## **7. Renewal**

- 7.1. A Licensee is responsible for renewing their license by submitting the annual License Fee prior to January 1st, which is the annual renewal date.
- 7.2. A late payment penalty charge of \$25.00 will be added to any fee outstanding 30 days after the renewal date.
- 7.3. The Village may send a renewal invoice or reminder to Licensees indicating the amount payable as a courtesy but is not required to do so.
- 7.4. If a Business License is not renewed as required by this Bylaw:
- a. the license shall be terminated;
  - b. a Person wishing to carry on the Business must submit a new application form and supporting documentation.

## **8. Display of License**

- 8.1. A Business shall permanently display the current Business Licence in a prominent location within the Premises.
- 8.2. A Person doing Business in other than a fixed or permanent place of Business, and all non-resident Businesses while operating within the Village, shall carry the Business Licence on their person or have it conveniently available for inspection at their worksite.

## **9. Inspection**

- 9.1. A License Inspector is authorized to enter any property that is subject to the regulation of this Bylaw at all reasonable times in order to ascertain whether the requirements of Village Bylaws are being met and those regulations are being observed.
- 9.2. A Business located in a Premises requiring a commercial fire inspection is required to pay an additional License Fee towards the cost of this service.

## **10. Commercial Landlords**

- 10.1. A Commercial Landlord shall not permit a tenant, renter, or occupant to carry on a business on the landlord's premises without the tenant, renter, or occupant holding a Business License.
- 10.2. A Commercial Landlord in violation of the preceding regulation shall be liable for the Business License requirements of the tenant, renter, or occupant carrying on a business without a license.

## **11. Outdoor Markets, Trade Shows and Community Events**

- 11.1. Outdoor Markets, Trade Shows and Community Events are required to
  - a. obtain a Temporary Business Licence that will cover all vendors participating in the event;
  - b. pay the required License Fee; and,
  - c. maintain a minimum commercial liability policy of two million (\$2,000,000) dollars with the Village named as an insured party for the duration of the event.

## **12. Vending Machines**

- 12.1. No Person owning or occupying any Premises shall have a third-party Vending Machine unless the Vending Machine owner holds a Business Licence and has paid the appropriate Business Licence Fee for each Vending Machine.

## **13. Mobile Vendors**

- 13.1. Mobile Vendors shall:
  - a. be fully self-contained with no service connection other than electrical service if required;
  - b. obtain written permission from the owner of the land, allowing the Mobile Vendor to be located on a property in a Zone that allows the intended use and provide a copy of such permission to the Village;
  - c. maintain a minimum commercial liability policy of two million (\$2,000,000) dollars
  - d. be kept in good repair; and,
  - e. not be located on a highway, sidewalk, or boulevard; and,
  - f. not interfere with or block any motor vehicle, pedestrian exit, or walkway.
- 13.2. If food is served, the Mobile Vendor shall also:
  - a. obtain written permission for their customers to use washroom facilities on the property or in an adjacent premises, and provide a copy to the Village;
  - b. provide a garbage container at their location and, at the end of the day, pick up all garbage and debris, within 50 metres of their location that is a result of their Business' operation;

- c. meet Provincial Health regulations, and the vendor shall provide written confirmation from a Provincial Health Inspector.

13.3. A Mobile Vendor intending to operate their Business on Village land, including parks, rights-of-way, boulevards and parking areas, is required to, at the discretion of Council, enter a contract or license of occupation with the Village.

13.4. A maximum of five (5) Mobile Vendors not affiliated with an Outdoor Market, Trade Show or Community Event will be licensed at any one time.

#### **14. Cannabis-Related Business**

14.1. A Cannabis-Related Business shall:

- a. only be permitted in a premises owned by the Person owning the Business; and,
- b. not be open for business between the hours of 21:00 and 09:00 local time.

#### **15. Changes in Business**

15.1. A Licensee shall notify the Village in writing prior to:

- a. closing of the Business;
- b. changing the Business Name, contact information, emergency contact name, mailing address (Business Information);
- c. changing the Business Owner or Licensee;
- d. changing the location of the Business;
- e. changing or adding to the Business;
- f. change to the liquor licence or addition of a liquor licence for the Business.

15.2. Except for changes made at the time of renewal of a Business Licence, a Licensee shall pay a transfer and change fee as set in Schedule D of "Village of Kaslo Fees and Charges Bylaw No.1271, 2021" as amended replaced.

15.3. Where more than one change is contemplated involving the Business Owner, Business Location or Business activities, the existing Business Licence shall be cancelled, and a new Business Licence application shall be made by the Licensee.

#### **16. Suspension or Cancellation of a Business Licence**

16.1. An application for a Business Licence may be refused by the Licence Inspector in any specific case but:

- a. the application cannot be unreasonably refused; and
- b. on request, the Licence Inspector must give written reasons for the refusal.

16.2. A Business Licence may be suspended or cancelled by the Licence Inspector for reasonable cause including, but not limited to:

- a. failure to comply with a term or condition of a Business Licence;
- b. failure to comply with this or any other Bylaw of the Village;
- c. conviction of an indictable offence in Canada; or,
- d. the license was issued in error.

- 16.3. Before suspending or cancelling a Business Licence, the Licence Inspector shall give written notice to the Licensee indicating that:
- a. the Business Licence is suspended or cancelled;
  - b. that the Business must cease operation within seven (7) days of the date of the written notice;
  - c. the reasons for the suspension or cancellation;
  - d. means of appeal; and,
  - e. if applicable, instructions to the Licensee for the removal of the suspension or cancellation.
- 16.4. The Village shall send written notice of intention to cancel or suspend a Business License delivered through registered mail or courier to the address of the Business and the address of the contact Person as indicated on the Business Licence application.
- 16.5. A Person shall not carry on a Business for which a Business Licence is required by this Bylaw during a period of suspension.

## **17. Appeal**

- 17.1. A Person may appeal the refusal, suspension, or cancellation of a Business License to Council.
- 17.2. A notice of appeal must be in writing and delivered by the appellant to the attention of the Chief Administrative Officer within fourteen (14) calendar days from the date of suspension or cancellation.
- 17.3. The notice of appeal must concisely state the grounds on which the appeal is based.
- 17.4. The Chief Administrative Officer or their designate shall refer the matter to Council to appoint a time and place for a hearing and then give to the appellant reasonable notice of the time and place for their opportunity to be heard.

## **18. Offence and Penalties**

- 18.1. A Person carrying on a Business for which a licence is required by this bylaw without holding a valid licence is in violation of this Bylaw.
- 18.2. A Person who violates any provision of this Bylaw and who commits an offence punishable on summary conviction shall be liable to a maximum fine of \$50,000 plus the cost of prosecution.
- 18.3. An Officer may serve a ticket upon a Person in violation of this Bylaw pursuant to the Village's "Bylaw Enforcement Ticket Information Bylaw No. 1037" as amended or replaced; and,
- a. each day the violation continues constitutes a separate offence.



**19. Severability**

19.1. If any section, paragraph or phrase in this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this Bylaw shall continue in full force and effect.

**20. No Representation**

20.1. A Business Licence issued under this Bylaw is not a representation or acknowledgement by the Village that the proposed Business complies with any or all applicable laws or other enactments.

**21. Repeal**

21.1. Village of Kaslo Business Licence Bylaw No. 1179, 2015 and all amendments thereto are hereby repealed.

**22. Effective Date**

22.1. This bylaw shall take effect upon adoption.

READ A FIRST TIME this 23<sup>rd</sup> day of November, 2021.

READ A SECOND TIME this 23<sup>rd</sup> day of November, 2021.

READ A THIRD TIME this 23<sup>rd</sup> day of November, 2021.

RECONSIDERED AND ADOPTED this 7<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

Certified to be a true copy of Business Licence Bylaw No. 1260, 2021”

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CORPORATE OFFICER