



Business Licence Bylaw No. 2326

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**THE CORPORATION OF THE CITY OF ROSSLAND
BUSINESS LICENCE BYLAW NUMBER 2326, 2017**

A bylaw to authorize and regulate the issuance of business licences and fixing of fees for all businesses within the City of Rossland.

WHEREAS the Council of the City of Rossland deems it necessary to regulate businesses operating within the municipality and establish licensing procedures for businesses to protect the public and prevent or minimize nuisances and deceptive business practices;

AND WHEREAS the Council deems it necessary to establish and impose application and licensing fees;

AND WHEREAS the Council deems it necessary to establish fines and penalties for businesses in contravention of this bylaw;

NOW THEREFORE BE IT RESOLVED, under the authority of the *Community Charter*, the Council of the City of Rossland, in open meeting assembled, enacts as follows:

PART 1 – GENERAL

CITATION

1.1 This Bylaw may be cited as City of Rossland “Business Licence Bylaw 2326, 2017”.

INTERPRETATION

1.2 Words or phrases defined in the *British Columbia Interpretation Act*, *Community Charter*, *Local Government Act*, *City of Rossland Zoning Bylaw* or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

1.3 Schedules “A” contain definitions of terms used in this Bylaw.

1.4 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.

1.5 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.

- 1.6 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.
- 1.7 This Bylaw does not apply to:
- a) a society registered in British Columbia or Canada or a registered charitable organization that does not operate a retail or other commercial business on a regular basis;
 - b) occasional fund-raising activities held by educational organizations, churches, sports teams, societies or other non-profit organizations;
 - c) rental of a single family dwelling or multi-family where the rental agreement is subject to the *Residential Tenancy Act*; **(Note: living accommodations occupied as travel or vacation accommodations are specifically excluded from the *Residential Tenancy Act* and are considered as part of this bylaw and others as short term rentals).**
 - d) an activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government.

PART 2 - LICENCE REQUIRED

- 2.1 Every person who owns or operates a business within the City of Rossland shall apply for, obtain and hold a licence for each business.
- 2.2 Every person who operates a business at more than one premises, shall obtain a separate licence for each premises, whether or not the premises are located in the same building.
- 2.3 A person who operates more than one business at one premises, shall apply for and maintain a separate licence for each business.
- 2.4 No person shall carry on any business for which a licence is required by bylaw within the City of Rossland without holding a valid and subsisting licence for the carrying on of such business.
- 2.5 Every person who carries on a business in the City shall comply with all bylaws of the City. The applicant shall, upon request by the License Inspector, produce certification or letters of approval, as may be required by Federal, Provincial or Local Government Authorities.

PART 3 - EFFECT OF LICENCE

- 3.1 Every licence issued under this bylaw is personal to the person named in the licence and may not be transferred to another person.
- 3.2 A person shall not carry on a business in or on any premises other than those identified on the licence without first making an application for a new licence or a change to the licence.
- 3.3 The granting of a licence under this bylaw in no way implies or constitutes a representation or warranty of the Licence Inspector or the City that the licensee is competent in the business operation for which they are licenced or that the licenced business or the business premises comply with the City's bylaws.
- 3.4 Every operator of a business is responsible for complying with, and is subject to, the requirements of all other City bylaws applicable to the business.

PART 4 - LICENCE PERIOD

- 4.1 Except as otherwise provided in this Bylaw, the licence period shall be one (1) year, to commence on January 1st and to terminate on December 31st, on each and every year.
- 4.2 Applications received on or after July 1st will be issued a half (1/2) year licence expiring on December 31st.
- 4.3 The licence period with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced premises, will be one day.

PART 5 - LICENCE APPLICATION AND FEES

- 5.1 Except as otherwise provided in this Bylaw, the application for a licence and the licence issued thereafter shall be in the form prescribed by the City.
- 5.2 Where an applicant applies for more than one licence, the particulars of each licence applied for shall be included on a separate application form for each licence.
- 5.3 Every person applying for a new licence shall, at the time of making the application, pay to the City:
 - a) the licence fee for the applicable type of business prescribed within "Schedule B – Fees" within this bylaw,

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- b) all outstanding fees, charges and penalties due and payable to the City in respect of the business; and
 - c) all applicable federal and provincial sales taxes.

5.4 Any person making application for a licence under this Bylaw shall, at the time of making such application, make a true and correct statement in writing disclosing the nature of and character of such business to be carried on by the applicant, including business name, legal business name if different, contact information, number of persons engaged or occupied in the business.

5.5 Licence fees paid hereunder shall not be refundable.

5.6 For licence applications received on or after July 1st, other than applications for Short-Term Rental licences, the applicable licence fees prescribed in Schedule B will be reduced by fifty (50) percent. The fee reduction provided herein shall only be applicable for the licence period applicable to the application.

SHORT TERM RENTAL LICENCE APPLICATIONS

5.7 Any person making application for a Short-Term Rental Licence shall at the time of making such application, in addition to the general requirements under this Bylaw, provide:

- a) proof of ownership of the premises from which the Short-Term Rental will be operated;
- b) proof of primary residence of the property for those operators of a Guest Room or Guest Suite (GS GUEST SUITE, GUEST ROOM SUB ZONE) is required. This may include proof of homeowner grant, employer-issued pay stubs, voter registration, and documentation showing you received provincial or federal government benefits, or income tax documentation or receipts. A driver's licence or utility bill alone is not enough.
- c) contact information for one (1) or two (2) local contacts, who may be the applicant, as the individual(s) available on a 24/7 basis during the use of Short-Term Rental by a guest to respond within fifteen minutes to any telephone enquiries regarding the Short-Term Rental, and who have consented to the applicant to allow their contact information to be made publicly available, including on-line and to guests of the Short-Term Rental;
- d) Proof of zoning and any required building permit
- e) Proof of adequate parking pursuant to the Zoning Bylaw.

5.8 In considering an application for a Short-Term Licence, the Licence Inspector may:

- a) consider whether a Short-Term Rental licence held by the applicant has been revoked in the preceding two (2) licence periods; and

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- b) require an inspection of the premises from which the Short-Term Rental will be operated notwithstanding that, a Licence Inspector may grant approval of the application without an inspection subject to the condition that if upon subsequent inspection, the Short-Term Rental fails to comply with the requirements of this Bylaw, the Licence Inspector shall suspend or cancel the licence.

PART 6 – LICENCE TO BE DISPLAYED

- 6.1 Every licensee shall keep a copy of the licence posted in a conspicuous place in the premises, vehicle or other mode of transport, place or structure where the business is conducted or undertaken and for which the licence is issued.

PART 7 - LICENCE INSPECTOR

- 7.1 The Council may, by resolution, from time to time, appoint a Licence Inspector for the purposes of administering and enforcing the provisions of this Bylaw.
- 7.2 A Licence Inspector appointed pursuant to Section 7.1 shall have the authority to grant or refuse a licence.
- 7.3 Pursuant to the *Community Charter*, the Licence Inspector or Delegate may enter, at all reasonable times onto and into premises to inspect and determine whether all regulations, prohibitions, and requirements established by this Bylaw are being met.
- 7.4 An owner shall provide to the Licence Inspector, Delegate and Bylaw Officer the information and the access to premises in order for an inspection and determination under Section 7.3 to be made.

PART 8 – GRANTING AND REFUSAL OF LICENCES

- 8.1 The Licence Inspector may grant a licence where the Licence Inspector is satisfied that the applicant therefore has complied with the requirements of the bylaws of the City regulating building, zoning, health, sanitation and business.
- 8.2 The Licence Inspector may refuse to grant a licence in any specific case provided that a licence shall not be unreasonably refused and, in the case of refusal, upon request, the Licence Inspector must provide written reasons for the refusal and opportunity for the applicant to be heard.
- 8.3 In considering an application for a licence, the Licence Inspector may require that an applicant provide proof of certification, approval or qualification required by a Federal, Provincial or Local Government Authority having jurisdiction over the

business.

- 8.4 The Licence Inspector may establish the terms and conditions of a licence, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence.
- 8.5 If the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector shall be submitted prior to the issuance of the licence.

PART 9 - SUSPENSION AND CANCELLATION OF LICENCES

- 9.1 The Licence Inspector is authorized by Council to suspend or cancel a licence for:
- a) failure by a licensee to comply with a term or condition of the licence;
 - b) failure by a licensee to comply with this Bylaw; or
 - c) reasonable cause,
- provided that the Licence Inspector has, before the suspension or cancellation, given the licensee notice of the proposed suspension or cancellation and an opportunity to be heard.

PART 10 - COUNCIL RECONSIDERATION OF REFUSAL, SUSPENSION OR CANCELLATION OF LICENCE

- 10.1 If the Licence Inspector proposes to exercise his/her authority to refuse, suspend or cancel a licence, the Licence Inspector must provide to the applicant or licensee who is subject to the Licence Inspector's decision, notice of the Licence Inspector's proposed action and that the licensee is entitled to have Council reconsider the matter.
- 10.2 A notice under section 10.1 shall be issued to the licensee and served on the licensee or delivered by registered mail to the licensee to the address given by the licensee on the application for the licence.
- 10.3 An applicant or licensee who wishes to have Council reconsider the refusal, suspension or cancellation of a licence shall give written notice of its request for reconsideration to the City's Chief Administrative Officer/Corporate Officer or delegate and such notice must include a description of the grounds upon which the request for reconsideration is made.
- 10.4 Upon receipt of a written notice under section 10.3, the Chief Administrative Officer/Corporate Officer or delegate shall schedule the time, date, and place for Council to hear the matter.

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- 10.5 In reconsidering a decision of the Licence Inspector to refuse, suspend or cancel a licence, Council may confirm or set aside the Licence's Inspector's decision as Council deems appropriate in the circumstances.

PART 11 – GENERAL REGULATIONS

- 11.1 Where any Federal or Provincial enactment or any other City bylaw applies to any matter covered by this Bylaw, the issuance of a licence under this Bylaw shall not relieve the licensee from complying with the provision of such other enactments or bylaws.
- 11.2 A licence is not assignable or transferable. If ownership of a business, or control of a business entity, changes, the new owner(s) of the business must apply to the City for a new licence.
- 11.3 Notwithstanding section 11.2, if all outstanding fees under this Bylaw have been paid in respect of an existing licence, then no additional amounts are payable by the new owner(s) for the current licencing period for fees that are duplicative of the paid fees.

PART 12 – BUSINESS REGULATIONS

CONTRACTORS

- 12.1 All General Contractors shall supply a list to the License Inspector or post a list of all sub-trades employed by them on the building site in a conspicuous place where construction is being carried on.
- 12.2 No person carrying on business and properly licensed as a General Contractor shall be required to obtain a Business License as one or more Sub-Contractors.

DOOR-TO-DOOR OR DIRECT SALESPERSON

- 12.3 The Door to Door or Direct Salesperson when conducting or attempting to conduct business must:
- (a) advise the customer of the full legal name consisting of all personal names, surname and the name of the business or other organization with whom the salesperson is associated, affiliated or representing.
 - (b) display a clearly visible identification card on which is printed, the salespersons' legal name and business affiliation.
 - (c) display a copy of the business license issued hereunder.

MOBILE VENDORS

- 12.4 No person shall offer for sale any goods or merchandise on the highways within the boundaries of the Municipality unless they have first obtained a mobile vendor licence from the City of Rossland for that purpose.

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- 12.5 A mobile business, including but not limited to a canteen, vending cart of fruit or fruit stand, using a cart or stand measuring not more than 2m in length and 1m in width, may operate such business on a sidewalk provided that:
- (i) the cart or stand uses less than 35% of the width of the sidewalk, and
 - (ii) the cart stand is no closer than 50m from an established business selling similar products or services.
- 12.6 A mobile business operating from a motor vehicle or a trailer designed and constructed to be pulled by a motor vehicle on a highway may operate:
- (a) on private or public property with a non-residential zone designation, subject to the permission of the property owner. Written evidence of the owner's permission shall be submitted with the application for a business license.
 - (b) subject to the restriction established in this bylaw, on a highway, parked in compliance with applicable parking regulations.
- 12.7 A mobile business as defined in this Bylaw shall not operate:
- (a) on Columbia Avenue east of St. Paul Street and west of Spokane Street,
 - (b) on Washington Street north of Columbia Avenue and south of First Avenue,
 - (c) on any highway at a distance of 50m or less from an established business selling similar products or services.

SHORT TERM RENTAL BUSINESS LICENCE REQUIREMENTS

- 12.8 No person shall operate a Short-Term Rental without a valid and subsisting local business licence issued by the City of Rosslund.
- 12.9 No person shall offer or advertise a Short-Term Rental without a valid local business licence issued by the City of Rosslund in respect of such Short-Term Rental.
- 12.10 A requirement of this Bylaw pertaining to Short-Term Rentals does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 12.11 A Short-Term Rental licence is only valid for one dwelling unit and one category of Short-Term Rental.
- 12.12 The operators of the Guest Room or Guest Suite (GS GUEST SUITE, GUEST ROOM SUB ZONE) must be the permanent residents of the property and shall be engaged in the management of the Short-Term Rental.

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- 12.13 The short term rental must be managed by the owner or by a licensed property management company. The management person must be available 24 hours a day, 7 days a week, year round whenever a dwelling is being rented;
- 12.14 The manager must inform occupants in writing of the terms and conditions of use of the rental, including at least contact information; capacity of the unit, number and location of parking stalls.
- 12.15 A sign or notice must visible upon entering the unit and every advertisement for a Short-Term Rental must state:
- (i) Business licence number;
 - (ii) Maximum permitted guest-occupancy of the unit pursuant to the Zoning Bylaw;
 - (iii) The number of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the Short-Term Rental are permitted to bring to the premise
 - (iv) Name, address, email, and telephone number of the contact person;
- 12.16 Short-Term Rentals are subject to a safety inspection by a Licence Inspector.
- 12.17 All short term rentals will be required to pay an annual Tourism Rossland fee or show proof of membership in Tourism Rossland, that is valid for the duration of the licence period.
- 12.18 Every person operating a Short-Term Rental must comply with, and will be subject to the Zoning Bylaw, No. 2518 and the Good Neighbour Bylaw 2631, and as each of those may be amended or replaced from time to time.
- 12.19 A refundable deposit of \$400 is required for each new short term rental business license application to cover costs of attending verified complaints and violations. The remainder of the bond would be returned in the case a licence was not renewed or was revoked.

PART 13 – INTER-MUNICIPAL & INTER-COMMUNITY LICENCES

- 13.1 Notwithstanding activities in regards to Short Term Rentals and accommodations, Businesses holding either a valid current Inter-Municipal or Inter-Community Licence are hereby exempted from the requirements to hold a current business licence issued by the City of Rossland, as long as, the owner or operator of the business holds a valid licence for carrying on that business issued by any municipality participating in those respective programs

PART 14 – PENALTIES

- 14.1 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 neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this bylaw, shall be deemed to have violated the provisions of this bylaw and shall be liable to the penalties hereby imposed. Each calendar day that such violation is permitted to continue shall be deemed as a separate offence.
- 14.2 Subject to section 14.1, if any person or other responsible person defaults in paying the penalties referred to in Schedule C of this bylaw to the City within 30 days after receipt of a demand for payment from the City, the City may either recover from the person or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the City.
- 14.3 Every person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 (one hundred dollars) nor more than \$2,000.00 (two thousand dollars), as provided under the *Offence Act*.

PART 15 – ENACTMENT

- 15.1 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.
- 15.2 Schedules A, B & C are attached to and form part of this Bylaw.
- 15.3 This Bylaw shall come into force and effect on January 1st, 2018.

PART 16 – REPEAL

16.1 Bylaw No. 1965 and any of its amendments are hereby repealed.

READ A FIRST TIME this 18th day of September, 2017

READ A SECOND TIME this 18th day of September, 2017

READ A THIRD TIME this 10th Day of October, 2017

RECONSIDERED and ADOPTED this 23rd day of October, 2017



Mayor



Chief Administrative Officer/
Corporate Officer

SCHEDULE "A" - DEFINITIONS

In this Bylaw:

Business means the carrying on of a commercial or industrial undertaking of any kind or nature providing for professional, personal, or other services for the purpose of gain or profit, but does not include an activity carried on by government, its agencies or government owned corporations

Council means council for the City of Rossland

Municipality means the Corporation of the City of Rossland

Guest Home means a One Family Detached Residential dwelling unit, a dwelling unit in a Two Family Detached Residential dwelling or a dwelling unit in a Multiple Family Residential dwelling where such dwelling unit is used in its entirety as one dwelling for Short-Term Rental or as defined in the City of Rossland Zoning Bylaw

Guest Room means a habitable room used for Short-Term Rental and that does not contain cooking facilities or as defined in the City of Rossland Zoning Bylaw

Guest Suite means a Detached Secondary Suite Dwelling Unit or Secondary Suite Dwelling Unit used for Short-Term Rental or as defined in the City of Rossland Zoning Bylaw

Home Occupation means a commercial use that is not a Short-Term Rental, carried out by an occupant of a dwelling unit for remuneration which is accessory to the residential use of the dwelling and subject to Section 4.1.2 (d) of the City of Rossland Zoning Bylaw

Inter-Municipal Licence means an agreement among the municipalities of the City of Trail, the Village of Warfield, the Village of Montrose, the Village of Fruitvale and the City of Rossland for the purpose of designating certain businesses to be exempt from the "nonresidents business" requirements under the licensing Bylaws adopted pursuant to Section 653 (1) of the Municipal Act by each municipality participating in the Scheme

Inter-Community Licence means an agreement among participating municipalities which authorizes certain businesses to be carried on within the boundaries of any or all of the Participating municipalities and/or governments

Licence means a licence issued by a Licence Inspector pursuant to this bylaw for the operation of a business within the Municipality

Licence Inspector means the person appointed by Council as the Licence Inspector to administer the enforcement of the provisions of this bylaw

Mobile Vendor means a canteen, vending cart of fruit or fruit stand, using a cart or stand or a mobile business operating from a motor vehicle or a trailer designed and constructed to be pulled by a motor vehicle on a highway

Permanent Resident in respect of any dwelling or lot means a person who normally resides in a dwelling or on the lot, and for these purposes a person cannot normally reside at more than one location within the City of Rossland or as defined in the City of Rossland Zoning Bylaw

Premises means the location or building, portion of a building or an area of land where a business is carried on or that is the subject of an application for a licence.

Short-Term Rental means a Guest Home, Guest Suite, Guest Rooms, or part thereof wherein accommodation is offered for rent, or rented, to the travelling public on a temporary basis (30 days or less), and is subject to Section 4.1.2 (e) of the City of Rossland Zoning Bylaw

SCHEDULE "B" – APPLICATION & LICENCE FEES

Business Operation	Licence Fee
Licensed Full Service Restaurant/Bar	\$150
Non licensed restaurant/Snack Bar	\$125
Liquor Store/Beer & Wine Store	\$125
Retail Sales	\$125
Mobile Vendors/Door-to-door Sales	\$75
Home Occupation	\$75
Professional/Contractor Services	\$125
All other businesses not listed	\$125
New Application Inspection (when and where applicable)	\$40

Short Term Rentals (per property)	Tourism Rosland Membership Fee	Deposit	Inspection	Licence Fee
One or Two Guest Rooms	\$150	\$400	\$40	\$150
Three or More Guest Rooms	\$150	\$400	\$40	\$250
Guest Home	\$150	\$400	\$40	\$250
Renewal				
One or Two Guest Rooms	\$150	-	-	\$150
Three or More Guest Rooms	\$150	-	-	\$250
Guest Home	\$150	-	-	\$250

SCHEDULE "C" – FINES & PENALTIES

Description of Offence	Section	Fine – 1st Offense
Not in Possession of valid Business Licence	2.1	Fine equal to double the applicable licence fee
Carrying on multiple businesses under one business licence	2.2, 2.3	\$300
Failure to notify change in business activities	3.2	\$100
Operating with expired Business Licence	2.4	\$300
Business Licence not displayed in conspicuous place	6.1	\$100
Operating while under a suspension/revocation order	9.1	\$300
Obstructing a Licence Inspector or Bylaw Enforcement Officer	7.4	\$250
Unlawful location of a mobile vendor	12.6,12.7	\$100
Short Term Rental in contravention of legal number of suites/rooms	5.18	\$300

*Subsequent Offences will result in the doubling of the 1st Offense Fines up to the maximum penalty amount as prescribed in section 14.3.