

VILLAGE OF QUEEN CHARLOTTE
DRAFT Version 4 BYLAW No. XXX-2019

Business Licensing and Regulation

The Council of the Village of Queen Charlotte in open meeting assembled enacts as follows:

1. Purpose

This BYLAW is intended to regulate and license businesses operating within the municipality.

2. Definitions

In this Bylaw, unless the context otherwise requires, the following words and expressions shall have the following meaning assigned to them:

ACCOMMODATIONS means *Premises* providing temporary accommodation by way of furnished sleeping, housekeeping or dwelling units and includes bed and breakfasts where the room rate includes breakfast provided on the *Premises*, and short term rentals of a dwelling unit on a daily, weekly or other short term basis, but does not include long term rentals where the rental agreement is subject to the *Residential Tenancy Act*; *(Note: this is one of the 5 business categories identified by the BL committee on Sep 19th) (Note: STRs is one of the 4 topics Council wanted the BL committee to consider regulating)*

BUSINESS means the carrying on of a *Commercial* or industrial activity or undertaking of any kind or nature or the providing of professional, personal or other service where goods and/or services are exchanged for one another or for money, but does not include any activity carried on by the government, its agencies or government owned corporations;

COMMERCIAL means the exchange or buying and selling of commodities involving transportation from place to place, making or intending to make a profit

COMMUNITY CARE FACILITIES means the use of buildings or structures for providing *Services* such as, but not limited to, children's daycare, residential group homes, or senior's housing; *(Note: this is in relation to requirements under the Public Health Inspector)*

CONTRACTOR means any *Person* who performs any type of construction, building, carpentry, plastering, lathing, shingling, roofing, electrical, plumbing, concrete work, works as a handyperson, or does any other trades work for a fee, and any *Person* who takes out more than one Siting and Use permit in any one calendar year for the construction of new residences or alterations to existing buildings; *(Note: not discussed yet by BL committee, and is one of the 4 topics Council wanted the BL committee to consider regulating) requires further review once topic discussed by the BL committee*

COUNCIL means the *Council* of the Village of Queen Charlotte;

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FARMERS MARKET means a market for the display and sale of farm produce and associated products in an open air or indoor venue;

FOOD PREMISES means the use of buildings or structures for providing *Services* such as, but not limited to, food stores, restaurants, food processing plants, catering, vending, water machines, and bakeries, but does not include bed and breakfasts where the room rate includes breakfast provided on the *Premises*; (Note: this is in relation to requiring fire inspections and Public Health Inspector requirements)

HOME BASED BUSINESS means an occupation, craft or profession that is carried out for a *Business* purpose within a dwelling unit or on a residential lot primarily by one or more residents as an accessory use;

INDUSTRIAL means a *Business* engaged in industry through bulk *Commercial* storage or the manufacture of products using machinery and equipment, and includes the wrecking, salvaging or dismantling of vehicles, vehicle parts, vehicle frames or vehicle bodies, the storage of inoperable or unlicensed vehicles, and the storage and sale of used parts of vehicles, bulk fuel storage, bottle/recycling depots, the harvesting and processing of timber and other forestry products, *Commercial* rock pits, the use of land, buildings and structures for the production and testing of medical or recreational cannabis as licensed by Federal and Provincial statute; (Note: this is one of the 5 business categories identified by the BL committee on Sep 19th)

INTER-MUNICIPAL BUSINESS LICENSE means a *Business License* issued in accordance with an inter-municipal licensing scheme; (Note: the municipalities would need to negotiate this in the future)

LICENSE means a *License* issued under this Bylaw;

LICENSE INSPECTOR means a *Person* appointed by Council to administer and enforce this Bylaw or, if no *Person* has been appointed or that *Person* is not available for any reason, the Chief Administrative Officer or Chief Financial Officer;

MOBILE OPERATOR means any *Person* who offers for sale and immediate delivery any food, goods, *Service* or merchandise, including those provided by a *Contractor*, from a motor vehicle, temporary structure or display, or from a stand that is not permanently affixed to real property and may move between and do business in other municipalities; (Note: Mobile Operators is one of the 4 topics Council wanted the BL committee to consider regulating)

MULTI-BUSINESS means the use of land, buildings or structures for the operation of a *Business* contained within a single *Premises* which meets two or more definitions of *Business* types identified under this Bylaw; (Note: this is one of the 5 business categories identified by the BL committee on Sep 19th)

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NON-RESIDENT BUSINESS means a *Business* other than a *Resident Business* carried on within the municipality, or with respect to which any work or *Service* is performed within the municipality;

OCCASIONAL means six or less times a year;

OPERATOR means a *Person* who carries on a *Business*;

PERSON means a living adult individual, a body of persons, a corporation, a partnership, or other legal entity that is recognized by law as the subject of rights and duties;

PERSONAL SERVICE ESTABLISHMENTS means the use of buildings or structures for providing *Services* such as, but not limited to, barbershops, beauty parlours, health spas, massage parlours, tattoo shops, and sauna/steam baths; *(Note: this is in relation to Public Health Inspector requirements)*

PREMISES means a house, building or structure, together with its land and outbuildings, occupied by a business;

PUBLIC BUILDINGS means any building or structure used or intended for supporting or sheltering any public use or occupancy, which the general public can access for purposes related to the *Business* of the *Operator*; *(Note: this is in relation to requiring fire inspections)*

RECREATIONAL FACILITIES means the use of land, buildings or structures for providing *Services* such as, but not limited to campgrounds and RV parks, private property camping, swimming pools, and hot tubs; *(Note: this is in relation to Public Health Inspector requirements)*

RESIDENT BUSINESS means a *Business* carried on in or from *Premises* located within the municipality;

RETAIL means the use of land, buildings or structures for the sale of goods to the ultimate consumer, including tobacco, alcohol and **cannabis**, the retail sale of household goods to serve the day-to-day shopping needs of the general public, hardware and building supplies, the retail sale of vehicles, the retail sale of motor fuels, including natural gas and diesel, lubricating oils, propane, and vehicle accessories and may include a cardlock facility; *(Note: this is one of the 5 business categories identified by the BL committee on Sep 19th) (Note: cannabis is one of the 4 topics Council wanted the BL committee to consider regulating)*

SERVICE means an establishment engaged in transacting business or providing professional services such as medical, dental, financial, counselling, insurance, real estate, administration and legal offices, and which may include the accessory sale of

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retail goods, and includes barber shops, beauty parlours, animal grooming services, laundry or dry cleaning shops, laundromats, financial institutions, professional offices, services for printing, shoe repair, tailoring, dressmaking, optical repairs, fitness centres, appliance repairs, telecommunications and internet providers, training, educational or instructional services and other similar uses, the servicing or repair of vehicles including body work or painting, the purchasing and replacement of windows, the use of land, buildings or structures where food or beverages are prepared and served for consumption on or off the *Premises* and may include restaurants, cafes, coffee shops, delicatessens, and fast food outlets with or without drive-through service, *Commercial* trucking/shipping facilities, fishing and recreational charters/tours and rentals of recreational equipment and supplies, campgrounds and RV parks, taxis or ride sharing, water taxis, float planes, rental of space within a building for the purpose of storing domestic goods not classified as dangerous or toxic under federal and provincial statute, but does not include *Accommodations*; (Note: this is one of the 5 business categories identified by the BL committee on Sep 19th)

VILLAGE means the *Village* of Queen Charlotte, inclusive of any responsibilities it may assign to employees or to agents acting on its behalf;

3. BYLAW APPLICATION

Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require. A reference to an Act refers to a statute of British Columbia and a reference to any statute, regulation, Bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. Headings are for convenience only and must not be construed as defining or limiting its scope or intent.

3.1 This Bylaw does not apply to:

- a) *Occasional* fundraising activities held by educational organizations, churches, sports teams, societies or other non-profit organizations;
- b) Rental of a dwelling unit where the rental agreement is subject to the *Residential Tenancy Act*;
- c) A farm business as defined in the *Farm Practices Protection (Right to Farm) Act*;
- d) An activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government;
- e) Garage or yard sales, or youth run businesses (i.e. lemonade stands or similar).

3.2 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 license.

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4. LICENSE REQUIREMENTS

- 4.1 A *Person* must not engage in or carry on a *Business* within the *Village* unless that *Person* holds a valid *License* issued by the *License Inspector*.
- 4.2 *Business Licenses* shall be deemed effective from January 1st to December 31st in any year.
- 4.3 Every *Operator* must renew the *License* applicable to the *Business* prior to the beginning of each licensing period as long as such business is being carried on.
- 4.4 Without limiting the requirement for every *Operator* to obtain a *License*, any *Person* who:
- a) Advertises by newspaper publicity or otherwise, as open for *Business* of any kind within the *Village*;
 - b) Advertises as open to render professional or other *Services* within the *Village*; to residents, visitors, or other *Operators* in the *Village*, is deemed to be carrying on a *Business*.
- 4.5 A *Person* must not carry on a *Business* in or from any *Premises* in the *Village* other than those specified on a valid *License*, with the exception of *Businesses* that provide services on other *Premises* such as cleaning services, or *Contractors*.
- 4.6 A *Person* to whom a *License* has been issued under this Bylaw must promptly notify the *License Inspector* in writing of any change or correction to the information provided on the *Business License* application. In particular, without limiting the foregoing, before changing the location, contact information, *Operator*, or any condition related to size, volume, number or other limit or restriction noted in the *License*, the *Operator* must apply to have the *License* modified accordingly.
- 4.7 A *License* under this Bylaw is tied to the *Operator* named therein and is not transferable. In the event of a change of *Operator* of the *Business* for which such *License* was issued, the new *Operator* must apply for a separate *License*.
- 4.8 The *Person* to whom a *License* has been issued must ensure that the *License* is posted in a conspicuous place and manner in a part of the *Business Premises* to which the public has access, or as directed by the *License Inspector*.
- 4.9 *Operators of Accommodations* and other *Public Buildings* are required to be available for and participate in an annual Fire Inspection of their *Premises*.
- 4.10 Every *Operator* must endeavor to meet trade, occupational, professional or other standards established by law or in the absence of law, by customary practice for that *Business*.

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5. LICENSE APPLICATION AND CONSIDERATIONS

- 5.1 A *Person* may apply for a *License* by completing a *License* application and submitting it, together with applicable fees, to the *Village* office.
- 5.2 On receiving an application for a *License*, the *License Inspector* may issue a *License* on being satisfied that the applicant can operate the *Business* in a safe and reasonable manner and in compliance with this and other Bylaws of the *Village*.

6. LICENSE RENEWAL

- 6.1 The *Village* shall make available to all licensees an invoice and renewal form prior to the end of December of each year.
- 6.2 A licensee who proposed to renew a *Business License* shall obtain, complete and submit to the *Village* a renewal form/invoice together with the annual *License* fee as set out in Schedule “A” **not later than January 31st** each year.
- 6.3 If a *Business License* is not renewed in accordance with section 6.2, a licensee who wishes to continue to carry on the *Business* shall submit the renewal form/invoice, the annual *License* fee (as per Schedule “A”) and a **late payment fee of \$_____**.

7. EFFECT OF LICENSE

- 7.1 A *Business License* is not a representation or warranty that the licensed *Business* or the *Premises* on which it is located complies with the Bylaws of the *Village* or with any other applicable statutes, regulations, requirements or standards.
- 7.2 A *Business License* authorizes only the *Person* named in the *Business License* to carry on only the *Business* described, at the *Premises* described, for the period of time specified, and upon such terms and conditions as set out in the *License*.

8. INFORMATION AND INSPECTION

- 8.1 The *License Inspector* or an employee of the *Village* designated by the *Inspector*, may enter at all times when the premises is open to the public, or through an appointment, upon any property to inspect and determine whether the requirements of this Bylaw and other applicable enactments are being met.
- 8.2 If the *License Inspector* believes it necessary or advisable in the circumstances, in determining whether a *License* should be issued or in entering a *Premises*, conducting an inspection or enforcing this Bylaw, the *Inspector* may seek information from, consult with, or be accompanied and assisted by any of the following *Persons*:
- a) A peace officer;
 - b) A health officer under the *Public Health Act*;
 - c) A building or fire inspector or a professional engineer;

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- d) A *Person* who is qualified under a statute or by an occupational, trade, or professional standards body to assess, supervise, take action, give direction or make orders or recommendations on the *Business* or an aspect of it that is the subject of the inspection or enforcement; or
- e) Another *Person* who, in the opinion of the *License Inspector*, would have relevant expertise in relation to the *Business* being inspected.

9. **REFUSAL, SUSPENSION AND REVOCATION**

9.1 The *License Inspector* may refuse to issue a *License*, and may suspend, revoke or cancel a *License* for reasonable cause. Without limiting the *Inspector's* reasons, any of the following circumstances may constitute reasonable cause:

- a) The *License Operator* or applicant appears to be non-compliant with a Bylaw of the *Village* relevant to their business operation (such as Property Taxes, Fire Inspections, Zoning, Water and Sewer Billing);
- b) A *License Operator* or applicant appears to be non-compliant with a term, limit, restriction, requirement or condition of a *License* or of a permit, approval or *License* issued by another regulatory authority; or
- c) The *License Operator* or applicant has been formally charged with, convicted of, or deemed to have pleaded guilty to an offence under a Federal or Provincial law and the offence is relevant to the *Business* operation.

9.2 The *License Inspector* must state in writing the reasons for refusal, suspension, revocation or cancellation of a *License*.

9.3 The *License Inspector* may impose conditions, restrictions and requirements on a *Business License*, or in connection to the suspension or revocation of a *License*, to ensure compliance with this and other Bylaws of the *Village*.

10. **RECONSIDERATION/APPEAL TO COUNCIL**

10.1 Any *Person* whose *License* has been suspended or cancelled, or has been refused a *License*, or who wishes to appeal a decision of the *License Inspector*, may seek reconsideration by *Council* **within 14 days** of the date of the decision by the *Inspector*.

The *Person* must give notice in writing to the *Village's* Corporate Officer of the intention to seek reconsideration, and shall state in a concise manner the grounds upon which the appeal is made. The Corporate Officer will arrange for a time and place for the *Person* to be heard by *Council* no later than the next regular Council meeting.

After considering written submissions and hearing from the *Person* or their representative, and any other *Persons* who may have information relevant to the matter, as applicable, *Council* may confirm, vary or set aside the decision of the

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License Inspector, and may impose any conditions, restrictions and requirements it deems appropriate in the circumstances.

10.2 An *Operator* must comply with any and all restrictions, conditions and requirements of a *License* and any notice or direction by the *License Inspector* or in accordance with a decision of *Council* pursuant to reconsideration.

11. **SPECIFIC BUSINESSES**

11.1 A *Business License* for a **recreational cannabis retail store** or **production facility** must, in addition to other requirements of this Bylaw:

- a) Submit a security plan, proof of a contract with a security alarm company, 24/7 contact information for the *Operator*, an annual list of employees and confirmation that they have passed an RCMP criminal records check;
- b) ~~Submit documentation of a formal customer complaint process including tracking how the complaint was resolved and, following the first year of operations, a summary of complaints received and resulting improvement actions;~~
- c) Cannabis production facilities must submit an annual maintenance plan for odor control equipment and, following the first year of operations, confirming documentation that the plan is being followed. *(Note: cannabis is one of the 4 topics Council wanted the BL committee to consider regulating)*

11.2 A *Business License* for **Short Term Rentals** (i.e. Airbnb) *Accommodation* must, in addition to other requirements of this Bylaw:

- a) Display an electronic version of their current *Business License* in all online advertising of the accommodations;
- b) Provide a copy of, ~~or link to, the listing all advertisements~~ for the short term rental to confirm that ~~it they~~ matches the information provided in the *Business License* application;
- c) For non-resident property owners, provide a copy of their property management contract with a local *Person/organization*;
- d) Provide 24/7 contact information for the *Operator* or approved property manager who will be responsible for responding to noise or other complaints related to the short term rental;
- e) Provide proof of liability insurance for the short term rental. *(Note: STRs is one of the 4 topics Council wanted the BL committee to consider regulating and the BL committee has not completed their review so these items are based on meeting minutes to date and their review of the DRAFT Bylaw)*

11.3 A **Contractor** must, in addition to other requirements of this Bylaw:

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- a) *(Note: Construction Trades is one of the 4 topics Council wanted the BL committee to consider regulating and the BL committee has not discussed this topic yet)*

11.4 A *Business License* for a **Farmers Market** may be issued to a single organization and cover all vendors within the market that the organization identifies as a member.

11.5 A **Farmers Market** must, in addition to other requirements of this Bylaw:

- a) If food is being prepared and sold, provide the *License Inspector* with evidence of FoodSafe or MarketSafe certifications of all regular vendors, and for drop in vendors ensure that their FoodSafe or MarketSafe certifications are displayed at the *Market*;
- b) All vendors that the organization identifies as a member must provide proof of liability insurance to the Market Manager as per the “Queen Charlotte Farmers Market Guidelines for Vendors” as updated from time to time. On request of the *License Inspector*, the Market Manager must within 2 regular business days of the Village office 48 hours provide a solemn declaration of liability insurance coverage for all vendors at the *Market* on a given day. *(Note: the BL committee wanted to include the Farmers Market in the BL and is considering these requirements)*

11.6 **Mobile Operators** must, in addition to other requirements of this Bylaw:

- ~~a) Before locating on a property that is privately owned or held, provide the *License Inspector* with written consent of the owner and any current occupier of that property;~~
- ~~b) Before locating on property that is owned or held by the *Village* or the *School District*, provide the *License Inspector* with evidence of *Council's* approval or that of the *School District Board*, as applicable, or the written approval of an official having authority to approve the *Farmers Market* locating on the property;~~
- a) Indicate the location(s) that they will be operating from, and if requested, provide the *License Inspector* with written consent of the owner and any current occupier of that property. For clarity, requests for written consent will not be required for *Contractors* or other businesses that provide on-site services to individual property owners throughout the municipality;
- b) If food is being prepared and sold, provide the *License Inspector* with evidence of approval by a health officer as may be required under the *Public Health Act*;
- c) Provide suitable garbage collection containers and ensure they are used and maintained properly;

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- d) Ensure the area around their location is kept clean and free of any waste materials.
- e) If the Mobile Operator will be operating in other jurisdictions on Haida Gwaii, they must indicate this on the application to be eligible for an Inter-Municipal Business License, if applicable. *(Note: Mobile businesses is one of the 4 topics Council wanted the BL committee to consider regulating and the BL committee has not discussed this topic yet, other than through review of the DRAFT Bylaw)*

11.7 Food Premises, Personal Service, Recreational Facilities and Community Care Facilities must, in addition to other requirements of this Bylaw:

- a) Provide annual confirmation of the approval of the Public Health Inspector;
- b) If the *Business* is a *Food Premises* that utilizes a *Commercial* kitchen, submit an annual maintenance plan for grease trap equipment and, following the first year of operations, confirming documentation that the plan is being followed. *(Note: not discussed yet by BL committee but is related to fire inspections and Public Health Inspector requirements)*

11.8 Ride Sharing Businesses must, in addition to other requirements of this Bylaw:

- a) *(Note: added this as there is pending provincial legislation that we may want to be prepared for. The BL committee has not discussed yet and this topic was not requested for review by the Council)*

12. ADMINISTRATION AND ENFORCEMENT

12.1 The *License Inspector* is authorized to administer and enforce this Bylaw.

13. OFFENCE AND PENALTY

13.1 Every *Person* who:

- a) Contravenes this Bylaw;
- b) Permits, suffers or allows any act or thing to be done in contravention of this Bylaw; or
- c) Fails or neglects to do anything required to be done under this Bylaw or under any *License* issued under this Bylaw, commits an offence, and each day any contravention continues constitutes a separate offence.

13.2 A *Person* found guilty of contravening this Bylaw is liable to pay a fine of not less than \$___ and not more than \$10,000. *(Note: has not been discussed with BL Committee)*

14. SCHEDULES

14.1 Schedule "A" is attached to and forms part of this Bylaw.

15. SEVERABILITY

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15.1 If a court finds any portion of this Bylaw invalid, that portion will be severed and the remainder of this Bylaw will remain in effect.

16. EFFECTIVE DATE

16.1 This Bylaw shall come into force and effect on the ___ day of ____, 201X, except for Section 6.3 which will come into force and effect on the ___ day of ____, 201X.

READ A FIRST TIME the ___ day of _____, 201__.

READ A SECOND TIME the ___ day of _____, 201__.

READ A THIRD TIME the ___ day of _____, 201__.

ADOPTED ON the ___ day of _____, 201__.

Mayor

Corporate Officer

Certified Correct

Corporate Officer

SCHEDULE "A"
BUSINESS LICENSE FEES

The following fees apply to *Businesses* operating with the Village of Queen Charlotte:

| CATEGORY | DESCRIPTION | LICENSE FEE | Fire Insp Req'd? |
|------------------------|--|--|---|
| 1. ACCOMMODATIONS | As defined under Section 2, Section 4.11, Section 11.2, and: <ul style="list-style-type: none"> • Motels/hotels/B&Bs and Short Term Rentals with less than ___ units, campgrounds and RV parks • Motels/hotels with ___ units or more | <u>consider lower fee for renewals vs. new</u> | Yes, except campgrounds and RV parks |
| 2. CONTRACTOR | As defined under Section 2, Section 4.11 and Section 11.3, and: <ul style="list-style-type: none"> • Certified Tradesperson • Uncertified Handyperson | | If <i>Premises</i> meets definition of a <i>Public Building</i> |
| 3. FARMERS MARKET | As defined under Section 2, Section 11.4 and Section 11.5 | | No |
| 4. HOME-BASED BUSINESS | As defined under Section 2 and Section 4.11 | | If <i>Premises</i> meets definition of a <i>Food Premises</i> or a <i>Public Building</i> |

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|--------------------------|---|--|---|
| 5. INDUSTRIAL | As defined under Section 2 and Section 11.1 regarding recreational cannabis production | | Yes |
| 6. MOBILE OPERATOR | As defined under Section 2 and Section 11.6 | | No |
| 7. NON-RESIDENT BUSINESS | Any business other than a <i>Resident Business</i> performing any work or services within the <i>Village</i> | | No |
| 8. RETAIL | As defined in Section 2, Section 4.11 and Section 11.1 regarding recreational cannabis retail | | Yes |
| 9. SERVICE | As defined in Section 2, Section 4.11, Section 11.7, and Section 11.8, and includes all <i>Businesses</i> except those identified in Category 1, 3, 5, 6, 7, and 8 of this Schedule | | If <i>Premises</i> meets definition of a <i>Food Premises</i> or a <i>Public Building</i> |

The *License* fee prescribed in this Schedule applies to the calendar year. The fee shall be reduced:

- a) By 50% for an *Operator* who obtains a *License* after July 31st in any year;
- b) By 25% for a *Business* identified in Category 9 – Service, that is open for service only between April 1st and October 31st in any year, as confirmed by the *Operator* in a solemn declaration; (consider adding STR rentals to this discount) and
- c) By ___% for each *Business*, if more than one *Businesses* is operated at the same civic address and by the same *Operator* (i.e. *Multi-Business*). (Note: this is the 5th business category identified by the BL on Sep 19th but the nature of how it will impact license fees needs to be further discussed)

NOTE: Once the rules are completed, Business Licensing Fees will be determined based on the following:

- Whether a *Business Premises* requires an annual Fire Inspection;
- Administrative costs related to postage for annual mail out of renewals, application processing and issuing (some will take more review than others), card stock and printing, license inspections and bylaw enforcement;
- Annual fees for computer software upgrade to track Business Licensing