

TOWN OF OSOYOOS

BYLAW NO. 1400

A Bylaw to Regulate Business through the Issuance of Business Licences

WHEREAS the Council of the Town of Osoyoos deems it expedient to provide for business licensing and to regulate the operation of businesses in the Town;

AND WHEREAS the Council of the Town of Osoyoos wishes to ensure all businesses within the Town operate in a lawful manner;

NOW THEREFORE, the Council of the Town of Osoyoos in open meeting assembled, enacts as follows:

1.0 Title

This bylaw shall be cited for all purposes as the “Town of Osoyoos Business Licence Bylaw No. 1400, 2025.”

2.0 Bylaw Application

- .1 This bylaw applies to all land, including the surface of water, located within the Town of Osoyoos.
- .2 This bylaw includes the following schedules:
 - i) Schedule ‘A’ – Specific Business Use Regulations

3.0 Compliance with this Bylaw

- .1 No person shall carry on any business within the Town without a valid and subsisting licence for that business.
- .2 A person operating more than one business must have a licence for each business, and the business name must match the licence issued for that business.
- .3 A person applying for a licence must apply in writing, using the application available at the *Town Office* or on the *Town Website*.

4.0 Definitions

- .1 Words not specifically defined in this bylaw shall have the same meaning as words defined in the *Zoning Bylaw*, as amended from time to time.
- .2 In this bylaw:

“**Applicant**” means a person applying for a licence with the Town.

“Business” means the carrying on of a commercial or industrial activity or undertaking of any kind and providing professional, personal or other services for the purpose of gain or profit within the boundaries of the Town;

“Chief Administrative Officer” or **“CAO”** means the person appointed by Council as Chief Administrative Officer of the Town and any person who, from time to time, is the deputy CAO or is appointed by Council to act in the capacity of the CAO in the CAO’s absence;

“Community Charter” means the *Community Charter* [SBC 2003] Chapter 26 as amended;

“Council” means the council of the Town of Osoyoos;

“Enforcement Officer” means a person appointed for the purpose of enforcing the provisions of this bylaw;

“Fire Inspection” means the act of inspecting or reviewing fire safety measures and equipment at or within a building or area to ensure those measures and equipment are compliant with the *BC Fire Code*, as may be amended, and carried out by the Town of Osoyoos Fire Department Fire Chief or their designate;

“Inter-Community Business Licence” means a licence or permit, other than an Inter-Community Business Licence, issued by a participating municipality, as defined under the Town of Osoyoos Inter-Community Business Licence Bylaw No. 1232, 2007, as amended, that authorizes a Business to be carried on within the jurisdictional boundaries of that participating municipality;

“Licence” means a valid business licence issued by the Town under this bylaw.

“Licensee” means a person holding a licence issued under this bylaw;

“Licence Inspector” means the CAO or the person designated by the CAO to administer the provisions of this bylaw;

“Local Government Act” means the *Local Government Act* [RSBC 2015] Chapter 1 as amended;

“Multiple Uses on One Parcel” means a business venture comprised of more than one complementary business venture on one property, but does not include businesses operating from the same premises that offer unrelated services;

“New Business” means a business in respect of which a licence has not been active during any of the previous twelve (12) months;

“Premises” means a building, a portion of a building or an area of land where business is carried on;

“Town” means of the Town of Osoyoos;

“Town Office” means the Town of Osoyoos office;

“Town Website” means the Town of Osoyoos website; and

“Zoning Bylaw” means the current Town of Osoyoos Zoning Bylaw, as amended or replace from time to time.

5.0 Exemptions

.1 This bylaw does not apply to:

- a) a business in respect of which a valid current Inter-Community Licence has been issued, provided 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;
- b) 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;
- c) occasional fund-raising activities held by educational organizations, churches, sports teams, societies or other non- profit organizations;
- d) rental of a single-family dwelling or multi-family where the rental agreement is subject to the *Residential Tenancy Act* (British Columbia);
- e) an activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government; or
- f) a performance, concert, exhibition or entertainment in which the entire proceeds, above actual expenses, are devoted to a local not-for-profit society.

6.0 Form of Licences

.1 The Chief Administrative Officer may designate the form of licences.

7.0 Form of Application Forms

.1 The Chief Administrative Officer may designate the form of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

8.0 Application Fees

.1 At the time of approval of a new licence or renewal of an existing licence, the applicant shall pay to the *Town* a licence application fee in the amount of:

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|-------------------------------------|----------|
| a) bed and breakfast operation: | \$750.00 |
| b) home occupation: | \$75.00 |
| c) retail sales of cannabis | \$500.00 |
| d) short-term rental accommodation: | \$750.00 |
| e) all other uses: | \$150.00 |

- .2 A licence application fee that remains unpaid as of March 1st in the year subsequent to the year in which the fee was payable will be subject to a late fee in the amount of \$100.00.
- .3 A licence application where the application fee remains unpaid as of April 1st in the year subsequent to the year in which the fee was payable will be terminated.
- .4 A licence application fee is non-refundable.

9.0 Application Requirements

- .1 An application for a licence shall be made to the Licence Inspector in writing and on the appropriate form, and shall be signed by:
 - a) the owner of the business; or
 - b) owner's agent duly authorized.
- .2 An application for a licence shall state:
 - a) the name of the licensee;
 - b) the name of the business;
 - c) the number of persons engaged or occupied in the business
 - d) the zoning classification of the business premises;
 - e) the location of the business premises; and
 - f) any additional information that the Licence Inspector reasonably requests to assist in determining whether the applicant complies with all applicable enactments in relation to the business.
- .3 An application for a licence shall include a site plan indicating the location of required on-site vehicle parking spaces, as required under the Zoning Bylaw, for the proposed use class as well as all uses occurring on the parcel under application.
- .4 An application for a licence involving any use class listed at Schedule 'A' (Specific Business Use Regulations) of this bylaw shall include the application requirements listed for that use.
- .5 No person shall make any material misrepresentations on an application for a licence, including with respect to the nature and address of the *business*, the number of persons engaged or occupied in the *business*, or any other information that the *Licence Inspector* may require to classify the *business* or calculate the licence fee.

10.0 Lapse of Application

- .1 If an application, including an application to renew an existing licence is deemed by the *Licence Inspector* to be incomplete:
 - a) the Licence Inspector will request that the applicant provide the outstanding required information; and
 - b) if the applicant does not provide the required information within two (2) weeks of the request, the application and the file will be closed.

11.0 Multiple Uses on a Parcel

- .1 The Licence Inspector has sole discretion in determining what constitutes a complementary business in the context of multiple uses on one parcel.

12.0 Issuance of Licences

- .1 Upon being satisfied that a licence application meets the requirement for issuance of a licence, the Licence Inspector may issue a licence.

13.0 Conditions of Approval

- .1 In issuing a licence, the *Licence Inspector* may specify conditions relating to the following:
 - a) the term of a licence shall not extend beyond December 31st of the year in which it is issued;
 - b) a fire inspection is to be completed within the first year of operation unless an earlier inspection is required by the *Fire Service Act* [SBC 2016] Chapter 19, as amended; and
 - c) any requirements listed for a use class under Schedule 'A' (Specific Business Use Regulations) of this bylaw.
- .2 No licensee shall:
 - a) Contravene, or permit the contravention of, any term of this bylaw; or
 - b) contravene, or permit the contravention of, any term or condition of their licence.

14.0 Notice of Decision

- .1 Written notice of a decision in relation to a licence application shall be mailed or otherwise delivered to an applicant at the address provided on the application form within thirty (30) calendar days immediately following the date of the decision.

15.0 Display of Licence

- .1 A business with an active licence must display the licence at all times in an area clearly visible upon entrance to the business premises or otherwise as designated by the *Licence Inspector*.
- .2 Despite sub-section 15.1, an outdoor market is not required to display a licence.

16.0 Refusal, Suspension and Cancellation of a Licence

- .1 The *Licence Inspector* may refuse to issue, suspend or cancel a licence for:
 - a) failure by an applicant or a *licensee* to comply with a term or condition of the licence;
 - b) failure by an applicant or a *licensee* to comply with a *Town* bylaw, or provincial or federal law or and regulation; or
 - c) failure by an applicant or licensee to pay all outstanding fees or fines owed to the Town in relation to the business or any current or previous applications for a licence, including those fees required to be paid under section 8.0.

provided that the *Licence Inspector* has, before the refusal to issue, suspension or cancellation, given the applicant or *licensee* seven (7) days' notice of the proposed refusal to issue, suspension or cancellation, and, in the case of a licence suspension or cancellation, an opportunity to be heard.

- .2 The *Licence Inspector* must provide written notice to the *applicant* or *licensee* of their decision to refuse to issue, suspend or cancel the licence.
- .3 The notice provided in sub-section 16.2 must be sent by registered mail to the address listed on the licensee's application for a licence.
- .4 A person must not operate a business while a licence is suspended or cancelled.

17.0 Reconsideration of a Decision

- .1 When the *Licence Inspector* exercises their authority to grant, refuse to issue, suspend, or cancel a licence, the applicant or licensee is entitled to have *Council* reconsider the matter.
- .2 A person requesting *Council* to reconsider the granting, refusal, suspension or cancellation of a licence must provide written notice to the *Licence Inspector* within ten (10) business days of the postmark indicating the date that the letter pursuant to sub-section 17.1 was sent.
- .3 A request for *Council's* reconsideration must concisely state the grounds for the appeal.
- .4 A request for reconsideration will be considered by *Council* at a regular meeting.

18.0 Licence Changes and Transfers

- .1 A licence granted under this bylaw may not be transferred to another person.
- .2 Where a *business* has been sold, the new owner must obtain a new licence before commencing operation.
- .3 A person must notify the *Town* of any change of premises, address, or contact information for the business and obtain an updated licence.
- .4 A licence transfer, in relation to the relocation of a business, may be refused by the *Licence Inspector* where the *premises* to which the applicant wishes to transfer the licence do not comply with the requirements of *Town* bylaws regulating building, zoning, or sanitation.

19.0 Licence Expiration

- .1 Unless otherwise explicitly stated on the licence, licences issued under this bylaw are valid for the period commencing January 1 and expiring December 31 of each year.

20.0 Licence Renewal

- .1 All licences renewed under this bylaw must pay the annual licence fee as prescribed at section 8.0 (Application Fees) on or before the last business day in February in the year subsequent to the year in which the fee was payable.

21.0 Enforcement

- .1 All officers, employees and agents of the *Town* are hereby authorized to enter at all reasonable time, and on any property subject to this bylaw, to inspect and determine whether all regulations, prohibitions and requirements are being met.
- .2 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person authorized under sub-section 21.1 from entering on to a private property to ascertain whether regulations, prohibitions or requirements of this bylaw are being met or observed.

22.0 Penalty

- .1 Any person who violates any of the provisions of this bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw commits an offence and is subject to:
 - a) upon summary conviction, a fine not exceeding \$50,000.00, being the maximum allowed by statute, and the costs of prosecution; and
 - b) a penalty in accordance with the *Local Government Bylaw Notice Enforcement Act* if a bylaw notice is issued respecting the violation.
- .2 Each day a new violation of or failure to comply with any provisions of this bylaw continues to exist shall constitute a separate offence.
- .3 Any penalty imposed pursuant to this bylaw will be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or regulation.

23.0 Severability

- .1 If any part, section, sub-section clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

24.0 Transition

- .1 The Town of Osoyoos Business Licence Bylaw No. 1045, 1997, and all amendments thereto, is repealed.

Read a first, second and third time this _____ day of _____, 2025.

Adopted this _____ day of _____, 2025.

Mayor

Corporate Officer

Schedule 'A' – Specific Business Use Regulations

.1 Mobile Vendors

- a) Regulations in this section apply to all “mobile vendor” businesses as defined in the Town of Osoyoos Zoning Bylaw.
- b) An application for a licence for a “mobile vendor” business shall include the following:
 - i) a parking plan indicating the location of all on-site vehicle parking as required by the Town's Zoning Bylaw.
- c) In issuing a licence for a “mobile vendor” business, the *Licence Inspector* may specify conditions including, but not limited to:
 - i) the hours of operation;
 - ii) keeping the area occupied by the mobile vendor and surrounding public places clean and clear of all waste, discarded debris, and food stains; and
 - iii) where the mobile vendor business includes the sale of foods, the owner or operator shall hold valid local health authority approval.

.2 Short-Term Rental Accommodation and Bed and Breakfast Operation

- a) Regulations in this section apply to all “short-term rental accommodation” and “bed and breakfast operation” businesses as defined in the Town of Osoyoos Zoning Bylaw.
- b) An application for a licence for a “short-term rental accommodation” or a “bed and breakfast operation” business shall include the following:
 - i) proof of compliance with the provincial Principal Residence Requirement for a “short-term rental accommodation”;
 - ii) A floor plan of the entire building that contains the dwelling unit proposed for the short-term rental accommodation or bed and breakfast operation use indicating all bedrooms to be used by patrons;
 - iii) a parking plan indicating the location of all on-site vehicle parking as required by the Town's Zoning Bylaw;
 - iv) a Fire and Safety Plan, completed by the applicant and to the satisfaction of the Town, certifying the following:
 - .1 one (1) fire extinguisher has been provided per floor of the dwelling unit and mounted in a visible location;
 - .2 interconnected smoke alarms have been provided on each level of the dwelling unit;
 - .3 carbon monoxide alarms have been installed where a dwelling unit has been furnished with appliances fueled by gas or wood;
 - .4 spark arrestors have been installed on all wood burning chimneys;
 - .5 bedrooms windows comply with Building Code requirements for egress;
 - .6 stairs, decks and balcony have guard rails installed (as required);

- .7 electrical and gas systems are in good general condition;
- .8 hot tubs have a lockable cover and pools are surrounded by a min. 4 foot high fence; and
- .9 a Fire Evacuation Plan of the dwelling unit has been posted inside the dwelling unit showing a floor plan with the following indicated:
 - a) the location of each sleeping unit and bed to be used as part of the short-term rental accommodation;
 - b) all points of egress;
 - c) fire evacuation routes;
 - d) the location of all fire extinguishers, smoke alarms and carbon monoxide alarms; and
 - e) the civic address of the property.
- c) In issuing a Business Licence for a “short-term rental accommodation” or a “bed and breakfast operation” business, the *Licence Inspector* may specify conditions including, but not limited to:
 - i) the inclusion of the Town of Osoyoos business licence number in all advertisements;
 - ii) the provision to the Town of Osoyoos of contact information or an alternative local contact and/or local property management company for use, 24 hours a day, for response to nuisance complaints registered with the Town for a “short-term rental accommodation” business; and
 - iii) posting of the following information for patrons within the dwelling unit:
 - .1 Fire and Safety Plan;
 - .2 Parking Plan;
 - .3 storage and management of garbage and recycling; and
 - .4 good neighbour guide.
- d) A short-term rental accommodation shall not be advertised by any means without, or contrary to, a valid business license.