

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 licencing 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 A person who carries on business within the *Town* must apply for, obtain, and hold a valid licence for each *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 undertaking of any kind of the providing of professional, personal or other services for gain or profit within the boundaries of the Town; however, this does not include any commerce where the product or service is offered entirely outside the Town boundaries, the transaction takes place virtually, or the product or service is delivered by courier, mail, virtually, or over the phone;

“Chief Administrative Officer” or **“CAO”** means the person appointed by Council as CAO 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 elected officials for the Town of Osoyoos;

“Council Procedure Bylaw” means the current Town of Osoyoos Council Procedure Bylaw as amended;

“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 Regulations* and carried out by the Town of Osoyoos Fire Department Fire Chief or designate;

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

“Licensee” means the owner of a business or a person designated by the owner in writing to represent the owner of the business;

“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 with more than one complimentary business venture on one property, such as a hotel, restaurant, and cold beer store, but does not include businesses operating from the same premises that offer unrelated services;

“New Business” means a business that has not held a valid licence for 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 the Corporation of the Town of Osoyoos;

“**Town Office**” means the Town of Osoyoos Office;

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

“**Zoning Bylaw**” means the current Town of Osoyoos Zoning Bylaw, as amended.

5.0 Exemptions

.1 This Bylaw does not apply to:

- a) a business holding either a valid current Inter-Municipal or Inter-Community Licence 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*;
- 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 application, the applicant shall pay to the *Town* a business 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 business licence application that remains unpaid as of March 1st will be subject to a Late Fee in the amount of \$100.00.
- .3 A business licence application that remains unpaid as of April 1st will be terminated and an affected business seeking to obtain a licence is required to submit a new application including all previously assessed fees for that calendar year.
- .4 A business licence application fee is non-refundable.
- .5 The licence fee prescribed in Section 8.1 may be reduced by 50% for that calendar year for a person who begins a *New Business* after July 1st.

9.0 Application Requirements

- .1 An application for a licence shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
 - a) signed by the owner of the business; or
 - b) the 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 zoning classification of the business; and
 - d) the location of the business premises.
- .3 An application for a licence shall include a site plan indicating the location of required on-site vehicle parking spaces 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 A person must not provide false information respecting 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 applicant will be requested to provide the required information; and
 - b) if the applicant does not provide the required information within two (2) weeks of the request, the application and any applicable fee will be returned and the file closed.

11.0 Multiple Uses on a Parcel

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

- .2 Despite sub-section .1, a business operating with multiple uses on one parcel that complement each other are subject to the highest business licence fee for their business plus a reduced rate for each complementary business as provided in Section 8.0 (Application Fees).

12.0 Conditions of Approval

- .1 In issuing a licence, the *Licence Inspector* may specify conditions including, but not limited to:
 - a) the term of a licence shall not extend beyond December 31st of the year in which it is issued;
 - b) a fire inspection to be completed within the first year of operation unless an earlier inspection is required by the *BC Fire Service Act* [RBC 1996], as amended; and
 - c) any requirements listed for a use class under Schedule 'A' (Specific Business Use Regulations) of this bylaw.

13.0 Notice of Decision

- .1 Written notice of a decision 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.

14.0 Display of Licence

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

15.0 Refusal, Suspension and Cancellation of a Licence

- .1 The *Licence Inspector* may refuse to issue, suspend or cancel a licence for:
 - a) failure by a *licensee* to comply with a term or condition of the licence; and,
 - b) failure by a *licensee* to comply with *Town* bylaw, provincial or federal laws and regulations;provided that the *Licence Inspector* has, before the suspension or cancellation, given the *licensee* seven (7) days notice of the proposed suspension or cancellation.
- .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 .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.

16.0 Reconsideration of a Decision

- .1 When a *Licence Inspector* exercises their authority to refuse to issue, suspend, or cancel a licence, a person is entitled to have *Council* reconsider the matter.
- .2 A person requesting *Council* to reconsider the 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 the letter pursuant to sub-section .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.

17.0 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 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.
- .5 A *licensee* must notify the *Town* by December 31st if a licence is no longer required for the upcoming year.

18.0 Licence Renewal

- .1 The *Town* will send out licence renewal notices to all existing *Businesses* that had been issued a licence in the most recent calendar year.
- .2 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.

19.0 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 authorised under sub-section 19.1 from entering on to a private property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.

20.0 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 against this bylaw 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;
 - b) a penalty in accordance with the *Local Government Bylaw Notice Enforcement Act* and the Town's zoning bylaw 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.

21.0 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.

22.0 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 Business 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 Business 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;
 - 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 Business 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 which contains the dwelling unit proposed for the short-term rental accommodation 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 Health and Safety Inspection, completed to the satisfaction of the Town, indicating the dwelling unit complies with the following:
 - .1 the dwelling unit has been authorized by the Town for residential use through the issuance of an Occupancy Permit;
 - .2 one (1) fire extinguisher is provided per floor and mounted in a visible location;
 - .3 interconnected smoke alarms are provided on each level;
 - .4 carbon monoxide alarms are installed where a dwelling unit has been furnished with appliances fueled by gas or wood;
 - .5 spark arrestors have been installed on all wood burning chimneys;

- .6 bedrooms windows comply with Building Code requirements for egress;
 - .7 stairs, decks and balcony have guard rails installed (as required);
 - .8 electrical and gas systems are in good general condition; and
 - .9 hot tubs have a lockable cover and pools are surrounded by a min. 4 foot high fence.
- v) a Fire Evacuation Plan of the dwelling unit showing:
- .1 the location of each sleeping unit and bed to be used as part of the short-term rental accommodation;
 - .2 all points of egress;
 - .3 fire evacuation routes;
 - .4 the location of all fire extinguishers, smoke alarms and carbon monoxide alarms.
- 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 license 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;
 - iii) posting of the following information for patrons within the dwelling unit:
 - .1 Fire Evacuation Plan;
 - .2 Parking Plan;
 - .3 storage and management of garbage; and
 - .4 good neighbour guide.