

# VILLAGE OF RADIUM HOT SPRINGS

## BYLAW NO. 244, 2001

A bylaw to authorize the issuance of Business Licences, and to regulate businesses, business activities and persons engaged in business.

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**WHEREAS** pursuant to section 653 of the *Local Government Act* Council is authorized to issue Business Licences, and to regulate businesses within the boundaries of the Village of Radium Hot Springs;

**AND WHEREAS** it is the purpose of this bylaw to require an owner or operator of a business within the Village of Radium Hot Springs to hold a valid and subsisting licence for the carrying on of such business; and to fix and impose licence fees for licences; and provide for the collection of licence fees; and the granting, issuing and transferring of licences subject to the limitations contained within the bylaw.

**AND WHEREAS** it is also the purpose of this bylaw to regulate the carrying on of business within the Village of Radium Hot Springs, to the extent not inconsistent with the intent of this bylaw, for the purpose of protecting the public or preventing or minimizing nuisances and establishing different regulations for different classes of business.

**NOW THEREFORE** the Council of the Village of Radium Hot Springs, in open meeting assembled, *Enacts* as follows:

### DIVISION 1 - DEFINITIONS

1.01 In this Bylaw, unless the context otherwise requires:

"accommodation, commercial" includes hotels, motels, inns, lodges, resorts, bed and breakfast or any building or group of buildings having more than three (3) sleeping or habitable rooms for rent and intended or designed to be temporarily occupied by tourists or transients;

"accommodation, residential" includes apartments, suites, rooming house, bed and breakfast where 3 or less habitable rooms or suites are rented by the day, week or month or year.

"agent" includes a person who sells or offers for sale, solicits business, or takes orders on behalf of any person not doing business within the Village;

"amusement arcade" includes any premises into which the public is invited, whether for an admission charge or otherwise, for the purpose of using amusement machines; but does not include:

- (a) any premises containing not more than three (3) amusement machines;
- (b) a pool or billiard hall;

"amusement machine" includes a machine on which mechanical, electrical, automatic, or computerized games are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use, and includes an apparatus designed to amuse or entertain, and sound equipment, but does not include pool or billiard tables situated within a licensed pool or billiard hall;

"approval" means approval in writing from the authority having jurisdiction;

"auctioneer" includes a person whose trade, occupation or calling is that of conducting or arranging auctions on behalf of a person or persons other than himself, but does not include any person arranging or conducting auctions on a regular or semi-regular basis from a permanent location;

"auction room" includes any premises wherein the business of an auctioneer is carried on upon a regular basis, either daily, weekly, bi-weekly, monthly or otherwise;

"automobile towing" includes the operation of a motor vehicle or motor vehicles equipped for hoisting and/or towing of other motor vehicles, trailers, machinery, or other equipment;

"automotive dealer" includes a person engaged in the business of selling, leasing, maintaining, servicing or repairing of new or used automobiles, motorcycles, recreation vehicles, campers and tourist trailers, accessories, parts or other automotive supplies of any kind, including, without limiting the generality of the foregoing, the sale, vulcanizing or retreading of motor vehicle tires, and shall also include, where a person is a corporation and any affiliated corporation which is engaged in the business of leasing vehicles for a term of one (1) year or more;

"automotive services" includes any and all types of business or trades engaged in the automotive business, except automotive dealers, automotive parts sales, and includes towing and the painting or sandblasting of heavy equipment;

"automotive wrecking" includes a person engaged in the wrecking, salvage, storage or sale of inoperable motor vehicles, trailers, farm equipment, or parts of any of them and such business as may include the repair of any of them, but specifically excludes the sale of new automotive parts and accessories, and automotive wrecking also includes a person engaged in the business of scrap salvage or the collection and sale of junk or reusable items, of an automotive nature;

"babysitting service" includes any person employing one or more other persons to supervise children in the residences of the parents or guardians of the children, and who charges a fee or commission for provision of such supervision;

"bakery" includes any premises principally used for the preparation, making and baking of bread or any bakery product for sale, but does not include kitchens or bake rooms of hotels or restaurants, provided that the bread or any bakery product that made therein is intended for consumption upon the premises of the hotel or restaurant;

"banquet room" or "banquet hall" includes any premises not otherwise defined herein as a restaurant, wherein catering service is available;

"book store" includes any premises being used primarily for the display and sale to the public of books, magazines, newspapers, and other printed material and items incidental to the sale thereof;

"Building Inspector" means the person to whom the Council of the Village of Radium Hot Springs has assigned the responsibilities of administering bylaws enacted under section 694 of the *Local Government Act*.

"building supplies" includes the retail sale to the public of tools and materials intended for use in construction of houses and similar structures.

"business" means carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit, but does not include an activity carried on by the Provincial or Federal Governments, their agencies or Government owned corporations;

"carrying on business", without restricting the generality of the term, shall include any person who advertises himself as carrying on business of any kind or nature, or who deals in or buys, sells, barter, or displays, or offers by advertisement or otherwise, to buy, sell, or barter commodities or other things of any kind, either on behalf of himself or of any other person, or who advertises himself as open to render professional or other services to any other person, or who provides professional or other services to any other person;

"carnival" includes any business offering for the use of the public, any mechanical ride or game of skill or chance, excluding booths or concessions operated by and for the sole benefit of recognized charities, but does not include amusement arcades;

"catering service, commercial" includes the provisions of food services to commercial and industrial undertakings;

"catering service, social" includes the provision of food and/or beverage services to weddings, banquets, and other social functions, but does not include restaurants or banquet rooms or halls;

"circus" includes any exhibit, exhibition, or show where animals are made to perform, and also includes menagerie, hippodrome, where admission is charged, but shall not include a carnival;

"communication service" includes telephone, telegraph, radio, radio telephone and other means of transmitting and receiving messages or information where persons making use of such service are charged a fee, but does not include an answering service

"Council" means the Council of the Village of Radium Hot Springs;

"delivery service" includes local transportation of merchandise or other articles from one premises to another;

"door to door and direct sales" includes the carrying on of business by the display or demonstration of samples, the taking of orders, or the offering for sale of goods, wares or other merchandise directly to or from the public, in private premises occupied by the prospective purchaser;

"exhibition" includes the display or showing to the public of goods, wares, or other merchandise and also includes pet shows on a temporary basis only on premises temporarily rented, leased or otherwise obtained for the purpose thereof, and to which the public is generally invited regardless of whether or not an admission fee is charged to the public;

"express or freight company" includes the transportation of goods etcetera, other than as defined under delivery service or transfer company;

"family & group daycare" includes the provision of daycare in a family home to no more than ten (10) children, but does not include the provision of daycare to fewer than three (3) children not ordinarily resident in the family home;

"flea market" includes a business which owns or uses a premises and which, for a fee, permits an individual to use or occupy a space, table, or booth within such building or land for the purposes of marketing goods by retail on a weekend or holiday or both;

"food store, health food store, convenience store" includes the sale by retail, to the public, of food stuffs or other edible products, including prepared foods and/or beverages intended to be consumed off of the premises, but does not include a bakery, restaurant, cabaret, cafe, snack bar or drive-in restaurant;

"fuel vendor" includes the delivery or sale of fuel to the consumer.

"furniture and or appliance store, antique furniture store " includes the sale by retail, to the public of new or antique household or office furniture, and/or household or domestic appliances, and includes the provision of facilities and services for the repair of such furniture and appliances if the provision for such facilities and services is intended primarily for the convenience of purchasers of furniture and/or appliances, and also includes the rental of furniture and/or appliances;

"garage sale" includes the sale of personal and household goods of the occupant from or at home and which sale is advertised as a "Garage Sale" or "Yard Sale" or such similar terms;

"general contractor" includes:

(a) a person who, in carrying on of business, undertakes to execute a work of construction, either on his own behalf, or by agreement with others, and who, in the course of such work employs or otherwise utilizes more than one of the distinct classes of sub-contractors set forth in this Section;

"gift shop, souvenir shop" includes the sale by retail to the public, items intended and designed to be given as gifts, or items purchased as souvenirs;

"graphic sexual material" includes any book, magazine, packaging cover, film or video tape which depicts a person or persons engaging in real or simulated sex acts;

"hardware store" includes the sale by retail to the public, of tools, household fixtures, garden equipment, paint, small appliances and similar items, not being primarily intended for use in the construction of buildings and similar structures;

"health spa, bath and massage therapy " includes any building, premises, room, establishment or place in which any vapour, sweat salt, dry or steam bath is given or in which massage therapy is available;

"heavy equipment" includes bull-dozers, trenchers, power shovels, drag lines, clamshells, power graders, power hoes, skidders, loaders, or any other type of heavy equipment other than a commercial motor vehicle;

"highway" includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a road or pathway located on private property or the common property located within a strata corporation;

"homecraft" includes goods or products manufactured or created by an individual in his home as a hobby or pursuant to the Home Occupation provisions of the Zoning Bylaw;

"Industrial/Manufacturer" includes a person who carries on, maintains, owns, or operates a business, trade, occupation, or calling of assembling, manufacturing, producing, or finishing goods, substances, or things or any part thereof and includes Batching Plants or any business considered to be industrial pursuant to the provisions of the Zoning Bylaw;

businesses producing or manufacturing a commodity from raw materials or components and any business considered to be heavy or light industrial pursuant to the provisions of the Zoning Bylaw.

"laundry and/or drycleaning establishment" includes any building or part thereof where the business, trade, occupation, or calling of pressing, cleaning, dyeing, or washing of clothing or other fabrics is carried on, and includes any premises whereon the business of linen supply is carried on;

"laundromat" includes coin or operator-operated laundry or dry- cleaning service having a machine or series of machines with an individual capacity not in excess of eighteen (18) kilograms (40 pounds).

"lease or rental agency" includes any person who, acting for himself, or on behalf of another, rents, leases, or otherwise lets (for gain or profit) any goods, wares, merchandise, or equipment of any kind, but does not include "vehicle for hire" or any business meeting the definition set forth in the description of "vehicle for hire" in this bylaw.

"lease/rental auto" includes any person, or, where the person is a corporation, or a corporation which is not an affiliated corporation with an automotive dealer, who acting for himself, or on behalf of another, rents, leases or otherwise lets, for gain or profit, any automobile, truck or other motor vehicle for any term of days, weeks, months or years, and also includes a corporation affiliated with an automotive dealer which, acting for itself, or on behalf of another, rents, leases, or otherwise lets for gain or profit, any automobile, truck or other motor vehicle, for a term of less than one (1) year, but does not include "Vehicle for Hire";

"Licensee" means a person to whom a Business Licence has been issued pursuant to this Bylaw;

"Licence Inspector" means the person appointed as Licence Inspector by the Council of the Village of Radium Hot Springs to administer and enforce the provisions of this Bylaw;

"liquor outlet" includes such establishments as defined as such in the Liquor Control and Licensing Act;

"mobile home park" includes land used for the parking of mobile homes (or recreational vehicles if intended for use as residences) on a permanent or semi-permanent basis, if a charge is assessed for the use of such land but does not include tourist campgrounds or recreational vehicle parks used primarily as transient accommodation;

"music store" includes the sale by retail to the public of musical instruments, and includes printed musical material, and also includes rental of musical instruments;

"non-resident business" means a business, which is not classified as a resident business, carried on in the Village, or with respect to which any work or service is performed within the Village,

"nursery" includes a person engaged in the business of growing rearing, producing, or harvesting, for sale to others, plants, shrubs, or other garden supplies, and may include, as an ancillary business, the sale of related garden tools, accessories, or supplies;

"operator" includes:

- (a) a person who manages or is employed to assist in the management of business;

"owner" when used with reference to a motor vehicle, includes the person or persons duly registered from time to time under the Motor Vehicle Act or Commercial Transport Act, as the case may be, as the owner or owners of the motor vehicle; and when used with reference to real property, shall mean a person registered in the books of the Land Title Office as an owner of land in fee simple, or a person who either is not registered or is registered in the books of the Land Title Office as the owner of a charge on land in the nature of a lease of land granting to the owner such a charge, as lessee, exclusive use and enjoyment of the lands and any or all buildings on such lands;

"person" includes a corporation, partnership, or party, and the personal or other legal representatives of a person to whom the context can apply according to law, and includes a society incorporated under the Society Act;

"pet and pet supply store" includes the sale to the public of animals and the storing in kennels, caging, feeding, maintaining, and displaying of animals for that purpose;

"photo studio" includes a business premises used for the taking of photographic portraits and for the sale by retail of photographic material;

"pool and billiard hall" includes a room or place where pool or billiards or similar games may be played, and where a fee is charged for such play;

"premises" includes a store, office, warehouse, factory building, house, enclosure, yard or other place occupied, or capable of being occupied by any person for the purpose of any business, trade or occupation and shall also mean any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is being carried on;

"printer and publisher" includes a person who is in the business of publishing books, newspapers, magazines, periodicals, and/or the production of printed matter for gain or profit;

"private garbage collection" or "sanitary service" includes a business providing for the contracting by a person for the collection and removal of garbage and/or septic tank effluent.

"professional offices and services" includes any business office that provides services including but not limited to consulting firms, lawyers, accounting, advertising, real estate, marketing, auto rental, travel agency, insurance agency, architectural and engineering, miscellaneous corporate offices, medical and dental clinics, hairdressing, barbering, tanning salon, locksmith, dry cleaning, funeral home, newspaper and publishing, art, photography, guide and outfitters;

"resident business" means a business primarily carried on, in or from premises located within the Village;

“ food and beverage services” includes any business or establishment where prepared food and/or beverages are provided and served to the public, in exchange for money or services and includes but is not limited to restaurant, take-out restaurant ,cappucinno bar, cafe, snack bar, cabaret, “ neighbourhood pub, bar, catering ;

"secondhand dealer" includes the carrying on of business primarily by the retail sale, purchase, trade, barter, or exchange of used merchandise, directly to, from, or with the general public

"sex paraphernalia" includes any item which simulates or is a reproduction of any human sex organ and includes dildos, vibrators, marital aids, or any other item designed to promote or assist any type of sexual activity;

"sporting goods store" includes the sale to the public by retail, of goods intended for use in the enjoyment of any sporting or recreational activity, and includes clothing and footwear intended for use in sporting or recreational activities;

“sub-contractor” means a person or persons who provides a service within the Village with or without goods or materials and includes but is not limited to building contractors, excavators, well drilling, fabrication, refrigeration and air conditioning; paving and asphalt, concrete, landscaping, supply of sand, gravel and topsoil.

"tanning studio" includes a place, room, premises, building or part thereof where a person has installed equipment to facilitate the projection of ultra violet light onto the skin of a human being for the purpose of promoting or developing a tan;

"taxicab" or "limousine" or “shuttle” includes any motor vehicle which is employed in the conveyance of passengers for hire, excepting ambulances, hearses, drive-yourself vehicles, and motor buses, which are rented solely by the hour or chartered solely by the trip;

"theatre", "amusement hall" includes any place which is used for the showing of theatrical, operatic, television, or cinematic performances or shows or for similar purposes;

"tools and equipment sales and rentals" includes any business, not being a building supply store or a hardware store, that has as its primary purpose the sale or rental of tools of any description, and garden or farm implements, or generators, compressors, welding units, jack hammers, or similar items;

"tourist campground" or “recreational vehicle park" includes camp sites, or other areas, available to the general public for use as camping areas, or as parking facilities for recreational vehicles, caravans, or trailers containing accommodation facilities, if a fee is charged for such use whether daily, weekly, monthly or otherwise, but does not include a mobile home park;

"vehicle" includes any vehicle, used by any person upon any highway, which is a commercial vehicle defined as such by and licensed under the Commercial Transport Act, and any vehicle not so licensed but which is used for the collection or delivery, or both, of goods, wares, merchandise, or other commodities in the ordinary course of a business;

"vehicle for hire" includes the renting of individual items of machinery or a motor vehicle or vehicles on an hourly, daily, weekly basis, or otherwise, but does not include vehicles licensed under freight, hauling express, delivery, trucking, omnibus, taxi, towing or wrecking company, or drive yourself vehicles, excavating contractors, or general contractors;

"vending machine" includes any device intended or designed to dispense goods following the insertion of slugs or coins;

"Village" means the Village of Radium Hot Springs;

"warehousing" includes storage of goods or items for which a charge is assessed;

"wholesale" means the selling or the offering for sale of goods, wares, or other merchandise to retail dealers or to other wholesale dealers or to contractors or manufacturers, for resale or for incorporation into other products;

"work of construction" includes:

- (a) the erection of or addition or alteration or demolition to any building;
- (b) the erection or construction of towers, dams, smoke stacks, bridges, or similar structures;
- (c) the laying or construction of a pipe line or a system of pipe lines;
- (d) the construction of roadways, airport runways, or railways; and
- (e) the construction of tunnels;

"Zoning Bylaw" means Radium Hot Springs Zoning Bylaw No. 92, 1994 and its amendments.

## **DIVISION 2 - GENERAL REGULATIONS**

### **Licence Required**

2.01 Every person who owns or operates a business within the Village shall apply for, obtain and hold a licence for each business unless the business is exempted from this requirement by operation of any Provincial or Federal Statute or Regulation.

(2) Except as may be specifically provided herein, any person carrying on more than one business shall obtain a separate Business Licence for each and every such business.

(3) For the purposes of this Bylaw, where a business is carried on, in or from more than one premises, the business carried on, in or from each premises shall be deemed a separate and distinct business.

### **Exemptions**

2.02 The following non-resident businesses are not required to hold a Business Licence:

(a) commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses;

(b) owners or operators of carriers other than taxicabs who either pick up passengers or chattels in the Village for discharging or delivery outside the Village or discharge or deliver in the Village passengers or chattels picked up outside the Village;

(c) owners or operators of taxicabs who only discharge passengers in the Village;

(d) owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged;

(e) a wholesaler, manufacturer or processor who is only in the business of offering for sale or selling his own merchandise and delivering it in his own vehicle to merchants for resale by them in the ordinary course of their businesses; and

(f) a person practising a profession governed by a special Act unless he regularly and generally carries on business in the Village;

2.03 (1) A Business Licence is not required for a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose.

(2) A Business Licence is not required for a performance, concert, exhibition, entertainment or concession which is held in a public park, licensed theatre, or other licensed place.

(3) A Business Licence is not required for the business of letting or renting rooms where not more than 2 rooms are available for letting or renting.

(4) A Business Licence is not required for the hosting of a "garage sale" or "yard sale" by a resident or business operator, provided that not more than two sales are hosted per property owner/operator per year.

### **Application**

2.04 (1) Every person applying for a Business Licence, transfer of a Licence, or assignment of a Licence shall complete the form supplied by the Village for such purpose.

(2) Where the applicant for a Business Licence is a corporation or partnership, the Licence Inspector may require proof of incorporation or partnership.

(3) Any person applying for a Business Licence for any business governed by any Federal or Provincial Statute shall supply proof to the Licence Inspector of his qualifications or of the qualification of his employees to carry on such business.

(4) It is the responsibility of the applicant for a licence, not the responsibility of the licence inspector, to obtain the inspection and confirmations required under this bylaw.

(5) Any person applying for a Business Licence for any profession or trade may be required to supply, to the Business Licence Inspector, proof of certification, association or licence qualifying them to operate that profession or trade in the Province of British Columbia.

(6) Every application for an initial licence for a resident business or home occupation shall include a detailed description of the premises in or upon which the applicant intends to carry on business. All such licences shall be subject to the provisions of the Zoning Bylaw.

(7) The application form shall be delivered to the licence inspector and shall be accompanied by the fee prescribed in Schedule "A" and any inspection forms and confirmations required under this bylaw.

#### **Form and Display of Licence**

2.05 (1) Every Business Licence granted pursuant to this Bylaw shall state that the Licensee is licensed to carry on the business stipulated therein in a lawful manner for the period specified at the premises therein stated.

(3) The Licensee or person in charge or control of the premises wherein the business is carried on or practised, shall at all times keep the Business Licence prominently displayed in the sales or reception area of the premises to which the public has access, or in an area designated by the Licence Inspector.

#### **Fees to Be Paid**

2.06 No Business Licence shall be issued until the applicable Licence Fee, as set forth in Schedule "A" to this Bylaw, has been paid to the Village and the Licence Inspector has approved the granting of the Business Licence pursuant to Section 2.10 (1).

#### **Notification Required**

2.07 Every Licensee shall notify the Licence Inspector of any change in the mailing and/or the business address, the classification of the business, area of the premises, the number of people regularly engaged or machines used in the operation of the business, or any alteration to the premises, and upon the termination of the carrying on of the

business by the Licensee, he shall notify the Licence Inspector that the Business Licence is no longer required and shall surrender the Business Licence to the Licence Inspector.

#### **Licence Period**

2.08 (1) Except as this Section provides, Business Licences shall be granted for a one year period, to commence on the first day of May and to terminate on April 30 in each and every year. The Licence Fee prescribed in this Bylaw shall be reduced by 1/2 in respect of a person who becomes liable to be licensed, for a new business after October 31 in any year. No Licence Fee paid hereunder shall be refundable.



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(2) The period for a Business Licence for a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment or exhibition may be for one year, 6 months, 3 months, one month or one day.

(3) The period for a Business Licence for a circus, dog show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be for one day.

#### **Transfer or Assignment**

2.09 (1) No Business Licence shall be transferred from one person in respect of certain premises to that same person in respect of other premises, without prior approval of the Licence Inspector. Such transfer shall be refused by the Licence Inspector where the premises to which the applicant wishes to transfer the Business Licence do not comply with the requirements of the Bylaws of the Village regulating building, zoning, health, sanitation, and business.

(2) In the event of a sale of a business for which a Business Licence has been issued, the Licence Inspector may permit an assignment of the Business Licence to the purchaser of the business on an application for assignment and upon payment of the required assignment fee. Such assignment shall not, however, be approved if the purchaser is not qualified under the terms of this or any other Bylaw to carry on the business for which the Business Licence was issued.

#### **Granting or Refusal of Licence**

2.10 (1) The Licence Inspector may grant a Business Licence where he is satisfied that the applicant therefore has complied with the requirements of the Bylaws of the Village regulating building, zoning, signage, health, sanitation, and business.

(2) The Licence Inspector may, upon receiving an application for a Business Licence, refer the decision of granting or refusing to grant such a Business Licence to the Council, who, for that purpose, may conduct a hearing pursuant to Section 2.12 (1) and (2).

(3) The Council may, on the affirmative vote of at least 2/3 of its members, refuse in any particular case to grant the request of an applicant for a Business Licence, but the granting or renewal of a licence shall not be unreasonably refused.

(4) A person who has applied for but failed to be granted a Business Licence by the Licence Inspector may appeal to the Council, and Subsection (3) applies with the necessary changes and so far as applicable.

#### **Suspension of Licence**

2.11 (1) The Licence Inspector may suspend for such period as he may determine any Business Licence if the holder of the Business Licence:

(a) is convicted of an offence indictable in Canada;

(b) is convicted of any offence under any Municipal Bylaw or Statute of the Province in respect of the business for which he is licensed or with respect to the premises named in his Business Licence;

(c) has, in the opinion of the Licence Inspector been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his Business Licence that it warrants the suspension of his Business Licence;

(d) has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his Business Licence; or

(e) has, in the opinion of the Licence Inspector conducted his business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen (16) years any thing that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

(2) The suspension of a Business Licence by the Licence Inspector shall be made by notice in writing, signed by the Licence Inspector and served on the Licensee or delivered by registered mail to the address given by the Licensee on the Application for Business Licence. A notice of such suspension of Business Licence shall be posted

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by the Licence Inspector upon the premises for which the Business Licence was issued and such notice shall not be removed until:

- (a) the Business Licence is reinstated;
  - (b) the former Licensee ceases to occupy the premises; or
  - (c) a new business other than the one carried on by the former Licensee is started in the premises;
- whichever first occurs.

(3) Any person whose Business Licence has been suspended under Subsection (1) may appeal to the Council, which may on the appeal confirm or set aside the suspension on terms it thinks fit.

**Revocation of Licence**

2.12 (1) The Council may revoke a Business Licence for reasonable cause after giving notice to the Licensee and after giving him an opportunity to be heard.

(2) The notice and opportunity to be heard is not required for a Licensee who by reasonable efforts cannot be found.

(3) The provisions of Section 2.11(2) apply with the necessary changes and so far as they are applicable to the revocation of a Business Licence.

**Criminal Activity**

2.13 Notwithstanding anything contained in this Bylaw, no person shall carry on any business, a purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in, any activity which violates the provisions of the Criminal Code of Canada.

**Licence Inspector**

2.14 The Council, may by resolution or bylaw, appoint a person or persons to be the Licence Inspector(s).

**Inspection**

2.15 The Licence Inspector is hereby authorized to enter at all reasonable times, on any such property that is subject to the regulation of this bylaw in order to ascertain whether such regulations are being observed.

**DIVISION 3 - REGULATION OF BUSINESSES****Catering Service**

3.01 (1) No Business Licence shall be issued to a catering service unless a permit has been issued for such service by the Provincial Authority having jurisdiction.

**Circuses and Carnivals**

3.02 (1) No Business Licence shall be issued for a circus or carnival until the operator thereof has filed with the Licence Inspector evidence of his holding a Comprehensive Liability Policy of insurance for \$4,000,000 inclusive limits, covering bodily injury, death, and property damage including loss of use thereof. The insurance shall be in the joint name of the Licensee and the Village.

(2) No Business Licence shall be issued to any person or persons for the purpose of holding an exhibition, circus or carnival, using ferris wheels, merry-go-rounds, or other similar rides, until such person or persons have filed with the Licence Inspector evidence of his holding a Comprehensive Liability Policy of insurance for \$4,000,000

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inclusive limits, covering bodily injury, death and property damage, including the loss of use of such property; such policy of insurance shall be in the joint name of the person applying for such Licence and the Village as co-insured.

**Contractors and Sub-Contractors**

3.03 (1) All General Contractors shall submit a list to the Licence Inspector a list of all sub-trades employed by them. In the event of changes to sub-trades the General Contractor shall notify the Licence Inspector of the change. The list prescribed in this Subsection shall be in the form provided by the Licence Inspector.

(2) No person carrying on business and properly licensed as a General Contractor shall be required to obtain a Business Licence as one or more Sub-Contractors.

**Delivery Service**

3.04 (1) Every vehicle used in a delivery service shall have the name of the licenced operator thereof printed in letters upon both sides of the vehicle, or upon cards attached to the sides of the vehicle, and such signs shall be kept free and clear of dirt.

**Door-to-Door and/or Direct Sales**

3.05 (1) No door-to-door or direct sales person shall sell merchandise or services or take orders for merchandise door-to-door within the Village on Sunday or upon any Statutory or declared Holidays.

(2) Any door-to-door or direct sales person shall, when conducting or attempting to conduct business:

(a) state to any person with whom he is conducting or attempting to conduct business the name of the business or other organizations with whom he is associated, affiliated or representing;

(b) state to any person with whom he is conducting or attempting to conduct business his full legal name, consisting of all personal names and his surname;

(c) display to any person with whom he is conducting or attempting to conduct business a copy of the Business Licence issued hereunder.

**Family and Group Day Care**

3.06 Unless exempt by regulations contained in Provincial or Federal Statute, applicants under this category must provide certification that they are licensed by the Provincial Authority having jurisdiction.

**Flea Market**

3.07 Every business operating a flea market must possess a valid Business Licence to do so, and in the course of operating such business, the following regulations apply:

(1) Every user or occupier of space, table or booth in a flea market must possess a valid Business Licence to sell by retail if:

(a) the user or occupier regularly and generally carries on business in another location within the Village, or is an officer, director, or shareholder of a company which regularly and generally carries on business at another site in the Village; or

(b) the user or occupier offers for sale by retail, goods or products, other than homecraft goods, or goods which he has purchased for the purpose of resale.

**Food Store**

3.08 Any person carrying on business as a retail merchant and licensed in respect of any premises as a Food Store and using more than 25% of the floor space in that premises for the display or stocking of non-edible goods of any

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kind, shall apply for and obtain a separate Business Licence for the display or stocking of such non-edible goods. Such display or stocking of non-edible goods shall be deemed to constitute the carrying on of a separate and distinct business from that of Food Store, and shall be licensed according to the nature and classification of the non-edible goods so displayed or stocked.

**Massage Therapy**

3.09 No person shall offer or give massage treatments as defined herein unless they are in receipt of a licence or permit issued under the Physiotherapists Act, the Health Act or other relevant statute of the Province.

**Highways - Use of**

3.10 No person shall offer for sale any goods or merchandise except newspapers, on the highways and highway right-of-way within the Village

**Hotels, Motels, Resorts, Inns and Lodging Houses**

3.11 (1) No premises shall be licensed for use as a Hotel, Motel, Resort, Inn or Lodging House unless the premises have first been approved by the Building Inspector and the Local Assistant to the Fire Commissioner.

(2) Every operator of a Hotel, Motel, Resort, Inn or Lodging House shall keep a register of guests in which shall be entered the name, address, date of arrival and date of departure of such guest and such register shall be open to the Licence Inspector and any Peace Officer upon demand.

(3) Every operator of a Hotel, Motel, Resort, Inn or Lodging House shall, once in every 24 hours, satisfy himself that every guest in his premises is alive and able to call for medical aid if required, and shall immediately report to the Public Health Inspector should he become aware of any case of infectious or contagious disease therein, or suspect any guest or person within the said premises to be suffering from an infectious or contagious disease.

(4) All Hotel, Motel, Resort, Inn and Lodging House premises shall be kept in clean and safe condition at all times, and the operator of the premises shall ensure that all passageways and entrances are kept free and clear of all debris or an obstruction, and are properly lighted at all times.

(5) No operator of a Hotel, Motel, Resort, Inn or Lodging House shall rent any room to more than one person without the consent of the first person to whom the room is rented.

**Laundromat and Coin Operated Dry Cleaning**

3.12 (1) No Business Licence shall be issued for the use of any premises as a Laundromat unless the building premises are in good condition and meet the requirements of the Zoning and Building Bylaws and have been approved by the Local Assistant to the Fire Commissioner.

(2) An interlock system must be provided on all laundry or cleaning machines to prevent the loading door from being open during the normal cycle.

(3) A step-by-step instruction list must be posted in a conspicuous location on or near the machine for the customers' use. A competent, trained operator must be available, or on call, as long as the premises are open for business. A telephone number must be listed for emergency assistance.

(4) Any substance used as a solvent shall be used under such operation and use conditions that no solvent odour can be detected in the customer area.

**Mobile Stores and Mobile Restaurants**

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3.13 Notwithstanding door to door sales, no person shall carry on business as a mobile store or restaurant in any location within the Village of Radium Hot Springs, including on a highway, sidewalk or boulevard, or on private property-

**Nude Performances**

3.14 No business establishment shall provide nude performances within the Village.

**Occupancy Permit**

3.15 No person shall occupy or permit occupancy of new or remodelled premises for the purpose of carrying on business unless an Occupancy Permit has been issued for such premises under the provisions of the Village's Building Regulation Bylaw.

**Pet Store**

3.16 All persons carrying on the business of Pet Store shall obey the following regulations, namely:

- (1) maintain all areas of the premises used for the storing in kennels, feeding, caging, or maintaining of animals in a clean and hygienically safe state, to the satisfaction of the Public Health Inspector;
- (2) comply with all regulations hereunder and those enacted in any and all Federal or Provincial Statutes or regulations governing the care, control, feeding, maintaining, caging, storing in kennels, or displaying of animals, and all such Provincial and Federal Statutes and regulations in effect from time to time are hereby incorporated, by reference, insofar as they are not inconsistent with this Bylaw as regulations of this Bylaw;
- (3) construct and maintain suitable and adequate ventilation and exhaust systems for any and all areas of the premises used for the care, control, feeding, maintenance, caging, displaying, or storing in kennels, of animals, all to the satisfaction of the Building Inspector;
- (4) Maintain purchase record showing the date of purchase of any animal kept on the premises, the name of the business or person from whom it was purchased, where the vendor was located at the time of the purchase;
- (5) Maintain inventory records to show the number, genus, breed, age, and similar information of animals, and such information is to be available to the public on demand during reasonable business hours.

**Pool Hall and Billiard Hall**

3.17 (1) No person under the age of 16 years shall be employed in any Pool and Billiard Hall for any purpose by the owner, nor by any other person in charge thereof.

(2) The interior of all Pool and Billiard Halls shall be fully visible from the entrance.

(3) Every portion of all Pool and Billiard Halls shall be illuminated to a minimum of 30 foot candles.

**Restaurants**

3.18 (1) No Business Licence shall be granted for the operation of any premises as a restaurant, lunch counter, tea room, coffee shop/cappuccino bar, cabaret, banquet room, snack bar, or take-out restaurant until such premises have been inspected and approved by the Public Health Inspector or his representative and are in receipt of a permit issued by the Provincial Authority having jurisdiction.

**Retail Merchants**

3.19 (1) For the purposes of this Bylaw, the businesses listed in this Subsection are classified as Retail and or Wholesale and shall be deemed to be mutually exclusive so that any person carrying on business in such a manner as to meet 2 or more of the respective definitions set forth in Section 1.01 shall obtain and pay for 2 or more Business Licences as the case may be:

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- (iii) art supplies and hobby store,
- (iv) art gallery,
- (v) automotive sales and service including car wash,
- (vi) bakery, delicatessen
- (vii) beauty salon, hair studio, barber
- (viii) book store or magazine stand
- (ix) building supplies including plumbing supplies
- (x) candy store and confectionary
- (xi) clothing and footwear store
- (xii) drug store/pharmacy
- (xiii) electronic equipment sales & service
- (xiv) fabrics, sewing machines or dry goods store
- (xv) floor coverings, carpets
- (xvi) florists shop, nursery
- (xvii) food store including health food store and convenience store
- (xviii) furniture , including antique furniture and/or electronic or household appliance store,
- (xix) gift shop , novelty store, souvenir store
- (xx) hardware store and paint
- (xxi) jewellery store
- (xxii) locksmith
- (xxiii) music store
- (xxiv) pet and pet supply store
- (xxv) photography and photo finishing
- (xxvii) secondhand dealer
- (xxviii) shoe store and shoe repair store
- (xxix) sporting goods store including pro-shop (golf)
- (xxx) stationery store, office equipment
- (xxxi) tobacco and sundries store
- (xxxii) tools and equipment sales and rentals
- (xxxiii) toy store
- (xxxiv) video sales and rental store

(3) Any person who is carrying on business by selling or offering for sale to the public a variety of goods, wares and other merchandise from the same premises, such that he meets the classifications of 5 or more of the classifications set forth in Subsection (2), shall be licensed as a Department Store.

(4) For the purposes of this Bylaw, any person carrying on business by sale or retail of any goods, wares or merchandise in such a manner that his business does not fall within any other classification set forth in Subsections (1) shall be licensed as Other Retail.

**Soliciting for Business Purposes**

3.20 No person shall use any highway or portion thereof for the purpose of soliciting.

**Secondhand Dealers**

3.21 (1) Every licensed Secondhand Dealer shall keep a record to be known as "The Secondhand Dealer's Register", in which shall be entered in the English language, written in plain legible hand or typewritten a record of goods received, purchased or taken in exchange. The entry must be made at the time of the receipt, exchange, or purchase, or immediately thereafter, and shall include in addition to the date of the purchase, receipt, or exchange, a full

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description of the article or articles, including the name of the maker and the serial number, if known or can be ascertained, and the name, address, and general description of the person from whom the purchase was made.

(2) Goods received, purchased, or taken in exchange by said licensed dealer shall be treated as purchased and may be so entered in this record or approved form for the purpose of this Section, goods which have to be entered in the record are used goods and new goods may not require listing if they are covered by receipt or invoice. Provided, however, that the onus is upon the Licensee to prove that any goods are new, therefore, should not require entry in the record.

(3) The Secondhand Dealer's record or approved form shall be a permanent record and the Dealer shall be responsible that it is not mutilated or destroyed. It shall be open to inspection by members of the Police Force and Licence Inspector at all times during which the business is open and may be removed at any time by members of the Police for inspection, or for use in the Courts, if necessary.

(4) Every person carrying on business as a Secondhand Dealer shall ensure that his premises are kept in a neat and tidy condition, and without limiting the generality of the foregoing, shall ensure that no part of the premises that are visible from outside of the premises are in an unsightly condition.

**Tanning Studio**

3.22 (1) No person shall be licensed to carry on business of a Tanning Studio unless or until the Licence Inspector is satisfied that:

(a) A placard, easily readable and in plain view to the client or customer to the business while undergoing ultra violet exposure, states:

"WARNING: ULTRA VIOLET OVER-EXPOSURE CAN CAUSE EYE INJURY AND SUNBURN. REPEATED EXPOSURES MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER."

(b) The ultra violet radiation exposure can be controlled by an accurate fail-safe timer which can only be controlled by the operator.

(c) The tanning table or booth is arranged in such a way that the client or customer cannot come in contact with the ultra violet radiation source.

(2) The premises in which the ultra violet radiation treatment is provided shall meet the requirements as to sanitation and health provided for in the Provincial Statute dealing with health, and the applicant for a Business Licence shall supply to the Licence Inspector before receiving such a Licence, a statement in writing from the Public Health Inspector that the premises within which the Tanning Studio will operate, meet the requirements of such Public Health Inspector.

**Taxicabs, Limousine and Shuttle Bus Service**

3.23 (1) Taxicab, Limousine Licences will be issued by the Village on the basis of one Licence for each taxicab or limousine whether or not the same shall be wholly and entirely owned by the applicant and any such Licences issued shall be posted by the said person, corporation or association in a conspicuous place in the Dispatching Office from which the taxicab or limousine operates.

(2) An applicant for a shuttle bus, taxicab or limousine Licence shall produce to the Licence Inspector proof that a permit or licence has been or will be issued to the applicant by the Provincial Authority having jurisdiction.

(3) Every applicant for a shuttle bus, taxicab or limousine Licence shall furnish proof in his application that he has sufficient off-street parking facilities to accommodate all of his vehicles while not in use.

(4) No driver of a shuttle bus, taxicab or limousine shall stop for the purpose of taking on or discharging passengers in any street intersection, or within 4.5 metres (15 feet) thereof.

(5) No driver of a shuttle bus, taxicab or limousine shall seek passengers by cruising on any street in the Village; provided however, that the driver of a taxicab or limousine may accept passengers at any place of public gathering so long as his shuttle bus, taxicab or limousine is lawfully parked in the vicinity of the place or building where such public gathering is taking place.

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(6) No shuttle bus, taxicab or limousine shall be operated as such except by the Owner or Licensee thereof, or by a driver employed by and directly responsible to such owner or Licensee.

(7) No Licensee shall employ, engage or permit any person to operate or drive any shuttle bus, taxicab or limousine unless such person holds a valid and subsisting B. C. Driver's Licence issued under the provisions of the Motor Vehicle Act.

(8) Every Licensee and every shuttle bus, taxicab or limousine shall operate out of an established place of business.

(9) The interior and exterior of every shuttle bus, taxicab or limousine shall be kept clean and in good repair.

(10) No person driving, operating or in charge of any shuttle bus, taxicab or limousine shall charge, demand, collect, or receive any fare or rate except those authorized by the Motor Carrier Commission of the Province of British Columbia, if such can be obtained pursuant to the Motor Carrier Act.

(11) Every applicant for a Taxicab or Limousine Licence shall furnish in his application, the name of the owner of the vehicle(s) concerned, and the motor vehicle licence number of all such vehicles.

**Vending and Amusement Machines**

3.24 No person shall own, keep, or maintain any game vending or amusement machines unless there has been imprinted thereon, the name, address, and telephone number of one or more of the following:

- (a) the owner, if resident in the Village;
- (b) an agent of the owner, resident in the Village, provided that this provision shall not apply to vending machines operated exclusively upon premises in respect of which the owner holds a Business Licence as a Retail Merchant for sale of goods of the type vended by the machines, or if the machine dispenses to or serves only the owner of such machine or his employees.

3.25 All vending machines must be in compliance with the Village sign bylaw regulations.

**DIVISION 4 – ADMINISTRATION**

4.01 (a) The Council may, by resolution appoint a person to be the Licence Inspector or Bylaw Enforcement Officer, whose duty it shall be to administer the provisions of this bylaw.

(b) The Licence Inspector and Bylaw Enforcement Officer are hereby authorized and empowered to enter upon, at all reasonable times, any property in order to ascertain whether the provisions of this Bylaw are met.

**Offence**

4.02 Any person who:

- (a) carries on a business for which a Business Licence is required pursuant to this Bylaw, without holding a valid and subsisting Business Licence for the business;
- (b) fails to furnish any information or documentation as required by the provision of this Bylaw;
- (c) carries on or remains open for business after receiving notice that his Business Licence has been suspended or revoked;
- (d) is governed by any regulation under the provisions of this Bylaw and fails to comply with these regulations;
- (e) violates or does any act or thing which violates any provision of this Bylaw;
- (f) suffers, or permits any act or thing to be done in violation or contravention of any of the provisions of

this bylaw; or

- (g) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw; is guilty of an offence.

**Penalty**



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- 4.03 (1) Any person found guilty of an offence is liable, upon summary conviction, to a fine or penalty of not more than \$2,000.00 for each offence.
- (2) Upon an alleged contravention of this bylaw, a notice of such contravention may be given by the Licence Inspector or other authorized Bylaw Enforcement Officer by means of Municipal Ticket Information (MTI) in the form prescribed by regulations adopted pursuant to Division 4 of the *Local Government Act*.
- (3) Unless otherwise determined by the Court of competent jurisdiction, each day an offence under this bylaw continues in excess of one calendar day, shall be deemed to be and is punishable as a separate offence for each a every subsequent day until such infraction ceases.

**Severability**

- 4.04 If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

**Repeal**

- 4.05 Village of Radium Hot Springs Business Licence Bylaw No. 15, 1991 is hereby repealed in its entirety.
- 4.06 This Bylaw may be cited for all purposes as “ **Business Licence Regulation Bylaw No. 244, 2001**”.

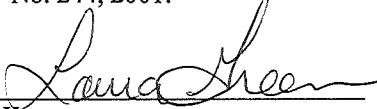
**READ A FIRST TIME THE 11<sup>th</sup> DAY OF APRIL, 2001.**  
**READ A SECOND TIME THE 11<sup>th</sup> DAY OF APRIL, 2001.**  
**READ A THIRD TIME THE 11<sup>th</sup> DAY OF APRIL, 2001.**

**RECONSIDERED AND ADOPTED THIS 25<sup>th</sup> DAY OF APRIL, 2001.**

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

Certified a True Copy of  
Bylaw No. 244, 2001:

  
\_\_\_\_\_  
CLERK

SCHEDULE "A"  
BYLAW NO. 244, 2001

**A.**

<b><u>BUSINESS CATEGORY</u></b>	<b><u>ANNUAL FEE</u></b>
Accommodation	
- Commercial	\$ 125.00
- Residential (Apts, etc)	\$ 75.00
Automotive Services	\$ 125.00
Food & Beverage Services	
- with seating	\$ 125.00
- take-out, catering	\$ 75.00
Circus/Carnival	\$ 75.00
Communication Services	\$ 75.00
Contractors	\$ 75.00
Door-to-Door & Direct Sales	\$ 75.00
Home Occupation	\$ 75.00
Industrial & Manufacturer	\$ 125.00
Professional Offices	\$ 75.00
Professional Services	\$ 75.00
Recreation	
- outdoor	\$ 75.00
- indoor	\$ 125.00
Retail/Wholesale Sales	\$ 75.00
Tourist Campground/RV Park	\$ 125.00
Transportation & Delivery	\$ 75.00
Vending & Amusement Machines	\$ 75.00
Warehouse	\$ 125.00
Miscellaneous	
- initial inspection only	\$ 75.00
- regular inspections	\$ 125.00
<b>B. Transfer/Assignment Fee</b>	<b>\$ 25.00</b>