

**TOWN OF OLIVER
BYLAW 1368**

A Bylaw to Provide for the Licencing of Business in the Town of Oliver
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WHEREAS Pursuant to Section 8 (6) of the *Community Charter*, Council is empowered to regulate in relation to business;

AND WHEREAS Council is empowered to provide for granting of business licences, to fix and impose licence fees and regulate certain trades, occupations and businesses in the Town of Oliver;

NOW THEREFORE, the Council of the Town of Oliver in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

CITATION:

This bylaw may be cited for all purposes as the "Town of Oliver Business Licence Bylaw 1368."

DEFINITIONS

1. For the purposes of this bylaw:

“Automotive Dealership” includes the sales and service of automobiles, motorcycles, mobile homes, trailers, boats and motors.

“Bed and Breakfast” means a *home occupation* conducted within a principal *dwelling unit*, by the residents of the *dwelling unit*, which provides sleeping accommodations to the traveling public and includes the provision of a morning meal for those persons using the sleeping accommodations.

“Business” means carrying on 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 the activity carried on by the Provincial government, its agencies or government owned corporations.

“Direct Seller” means anyone who solicits orders for, or sells or offers for sale, goods or services where the purchase price, excluding the cost of borrowing, but including any taxes, equals or exceeds \$50.00; anyone who sells, offers to sell or solicits a sale to a consumer, not to a business or company; and anyone who solicits, negotiates or concludes the contact at a place other than the direct seller’s permanent place of business; but does not include selling, offering for sale or soliciting orders by telephone, mail, fax or any other method that does not involve face-to-face contact with the intended purchaser.

“Heavy Industrial” includes fabricating and assembly; grading, packing and/or storage; manufacturing; processing; repairing; any other type of heavy industrial undertaking where the subject business property is classified as “industrial” on the current assessment roll as prepared by the B.C. Assessment Authority.

“Inter-Community Business” means a Business that performs a service within more than one Participating Municipality but not from or in Premises in one or more participating municipalities, and who provides the service by moving from client to client.

“Inter-Community Business Licence” means a business licence which authorizes an Inter-Community Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with Inter-Community Business Licence Bylaw No. 2002”.

“Itinerant show or entertainment” includes a circus, animal shows, horse racing, exhibition, etc., when held elsewhere than in a licenced theatre or licenced place.

“Licence Inspector” means any person from time to time duly appointed as Licence Inspector for the Town of Oliver, any person acting in that capacity, and includes any person lawfully acting in that capacity.

“Light Industrial/Heavy Commercial” includes junkyards, auto wrecking yards, heavy equipment rentals, waste collection, any other type of light industrial where the subject business property is classified as “light industrial” on the current assessment roll as prepared by the B.C. Assessment Authority.

“Transportation of People” includes bus line, charter service, air taxi.

“Mobile Business” means a business carried out solely from a motor vehicle or other conveyance designed to be moved from place to place;

“Non-resident business” means a business other than a resident business, carried on in the municipality or with respect to which any work or service is performed in the municipality.

“Professional” means a Business Category in which a Person who as a condition precedent to providing a service, must be licenced or hold other statutory authorization as set out in and regulated by a statute of the Provincial Government, and includes an Accountant (Certified General, Certified Management or Chartered), Agrologist, Appraiser, Architect, Barrister & Solicitor, Chiropractor or Podiatrist, Dentist or Dental Surgeon or Orthodontist, Engineer, Insurance Adjuster, Insurance Agent, Investment/Securities Agent, Land Surveyor, Notary Public, Optometrist, Osteopath, Physician & Surgeon (General Practitioner), Physician & Surgeon (Specialist), Physiotherapist, Psychiatrist, Psychologist, Real Estate/Land Agent and Veterinarian.

“Resident business” means a business carried on in or from premises within the municipality.

“Seasonal business” means a business carried on only during a specific time of year (spring/summer/fall/winter) and does not operate at any other time of the year but does not include a business that operates for more than 6 months in a year.

“Short Term Residential Rental” means the rental of a dwelling unit on a daily, weekly or other short term basis for less than four consecutive weeks.

“Town” means the Town of Oliver.

“**Transportation of goods**” includes moving and storage, freight line, cartage and express delivery service.

ISSUING OF A BUSINESS LICENCE:

2. Subject to the *Community Charter*, and unless exempted under Provincial Government or Federal legislation or specifically exempted under this Bylaw, any person carrying on Business in the Town of Oliver must first hold a valid and subsisting business licence issued by the Town of Oliver.
3. Section 2 does not apply to:
 - a) Non-resident businesses exempt from a licensing requirement by the *Community Charter*;
 - b) A performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose.
 - c) A performance, concert, exhibition, entertainment or concession which is held in a licenced theatre or other licenced place;
 - d) Non-resident commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses;
 - e) Non-resident owners or operators of carriers other than taxicabs who either pick up passengers or chattels in the municipality for discharging or delivery outside the municipality or discharge or delivery in the municipality passengers or chattels picked up outside the municipality, or both;
 - f) Non-resident owners or operators of taxicabs who only discharge passengers in the municipality;
 - g) Non-resident 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;
 - h) A non-resident 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 business; and
 - i) Distributors selling kitchen accessories, fashion and beauty aids or other small catalogue items primarily through home parties and who are registered through the *Provincial Consumer Protection Act*.
4. No person shall change the location of a place of business without first obtaining the approval of the Licence Inspector by submitting an application on the form attached as Schedule “A”.
5. Where a business is carried on in or from more than one premise in the municipality, the business carried on from or in each shall be deemed a separate business.

6. Where more than one business is carried on in or from one premise in the municipality, all businesses that have a separate set of accounting books are considered to be separate businesses and require separate business licences
7. Where a service business is carried on in more than one Municipality, with the Town of Oliver being the Principal Municipality, and the business meets the criteria set forth in the Inter-Community Business Licence Bylaw No. 2002, such business shall be deemed eligible to apply for an Inter-Community Business Licence upgrade.
8. Every licence granted under this bylaw shall be posted in a conspicuous manner at the place of business to which it relates and if the business is not carried on in or from premises within the municipality then the licence or a true copy thereof shall be carried on the person of anyone doing business under the said licence within the Town boundaries.
9. Every Licence issued under this bylaw is deemed to be a personal licence granted to the Licencee, to carry on the business specified in the licence from the premises specified in the licence, and it is not transferable to any other person.
10. A licence **is not** required for the sale of goods or services by:
 - a. An artist or any other person while participating in an activity such as an arts and crafts show, a home and trade show, Oliver Sunshine Festival, or other similar activity sponsored by the Oliver Parks and Recreation, Oliver Tourism Association, the Oliver Heritage Society, the Oliver Community Arts Council, the South Okanagan Chamber of Commerce or other similar non-profit organizations whose primary objective is to promote community, cultural, recreational or business development activities.

FEES

11. There is hereby fixed and imposed a licence fee for each and every licence granted under this bylaw according to the classification of the business in accordance with the *Fees and Charges Bylaw* which said fee shall be payable at the time of application for such licence. The prescribed fee shall be for a calendar year unless otherwise specified in the Community Charter.
12. The licence fee prescribed may be reduced pro rata on a six-month basis for a person who becomes liable to be licenced after the commencement of the licence period. No reduction shall be made for part months.
13. Seasonal businesses may pay a fee based on a monthly fee schedule as outlined in the *Fees and Charges Bylaw*.
14. Licence fees, in accordance of the *Fees and Charges Bylaw* shall be invoiced by January 31st of the year and are due and payable on or before the 31st day of March. Fees not paid on or before the 31st day of March will be assessed a 10% penalty.
15. A business whose licence fee was paid in full on the due date and discontinues operating in the Town of Oliver in any year, may apply for a refund of the business licence fee if more than 6 months remain in the year. All refunds will be subject to the Administration Fee as outlined in the *Fees and Charges Bylaw*.

16. An administration Fee payable for licence fee refunds, change of name by owner or change of location shall be charged as set out in the *Fees and Charges Bylaw*.

LICENCE PERIODS

17. Except as otherwise specified in this bylaw, licences under this bylaw shall be granted to cover the then current or forthcoming calendar year commencing on the 1st day of January of such year or the date of issuance of the licence whichever later occurs and to terminate on the 31st day of December of such year.
18. The period for a licence for a circus, horse show, dog show, pony show, carnival, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be per event, and a special events application will be required as set out in Schedule "C".

AUTHORITY

19. A licence inspector may grant a business licence when satisfied that the applicant has complied with the requirements of the bylaws of the Town and that the proposed business would not be carried out in contravention of the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*.
20. All Direct Sellers applying for a Town of Oliver business licence will be required to provide a copy of a criminal record check prepared by the RCMP.
21. The Licence Inspector is authorized to grant, issue, transfer, suspend or cancel a Business Licence as herein provide or refuse to grant, issue or transfer a Business Licence;
22. All Premises from which an applicant for a Business Licence proposes to carry on or conduct any Business in respect of which a Business Licence is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the Town before a Business Licence is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or Town authorities with respect to the Business.
23. The Licence Inspector may only issue a Business Licence if the Business Licence Fee has been paid.
24. The Licence Inspector may require confirmation of approval, in a form satisfactory to the Licence Inspector, from the Ministry of Health, R.C.M.P. or the Oliver Fire Department respecting a Business Licence application and in such cases the Licence Inspector must not issue such Business Licence until he has received such approvals. A Business Licence holder shall immediately notify the Licence Inspector of any suspension or cancellation for any such approvals and the Licence Inspector may suspend the Business Licence pending reinstatement of such approvals.
25. A Business Licence issued under this Bylaw is not a representation or acknowledgement by the Town to an applicant or holder of a Business Licence that the proposed Business complies with any or all applicable laws or other enactments.

26. The Licence Inspector is hereby authorized to enter, at all reasonable times, on any property which is subject to the provisions of this bylaw to ascertain whether the provisions of this bylaw are being observed.
27. A person whose licence has been suspended by the Licence Inspector may appeal to the Council, which may on the appeal confirm or set aside the suspension on the terms it thinks fit.

SHORT TERM RESIDENTIAL RENTAL LICENCE TERMS AND CONDITIONS

28. In order to lessen the impact of the short term rental of residential dwelling units in the community in general and residential neighbourhoods in particular the following terms and conditions must be met to obtain, continue to hold and renew a business licence to operate a short term residential rental business. These terms and conditions are in addition to any other terms and conditions which may be imposed by the Licence Inspector.
 - a. Every applicant for and holder of a short term residential rental business licence must provide the Town of Oliver with the name, address and telephone number of a person residing in the Town on a permanent basis ("Local Contact"). The Local Contact must be available, and if not, the owner must be available, to respond to and deal with in a timely and appropriate manner any complaints or problems from short term residential rental tenants or neighbouring residents in respect of the property that is the subject of the business licence. It shall be the obligation of the licence holder to notify the Town of Oliver immediately if the name, address or telephone number of the Local Contact changes.
 - b. The owners of properties within 100 metres of the short term residential rental property shall be notified in writing of the name, address and telephone number of the Local Contact (or owner where local contact not applicable) within thirty days of the granting or renewal of a short term residential rental business licence or within thirty days of notification of a change in the name, address or telephone number of the Local Contact.
 - c. Vehicle parking for short term residential rental tenants or guests of short term residential rental tenants shall be restricted to the property and, where permitted by law, that portion of the road immediately adjacent to the property.
 - d. Prior to the granting of a short term residential rental business licence the applicant shall be required to deposit with the Town of Oliver, in addition to the business licence fee, the amount of \$750 (the "Deposit"). The Deposit shall be held by the Town of Oliver as security against any costs incurred by the Town of Oliver as a result of investigations, hearings, appeals or other enforcement actions undertaken by the Licence Inspector or the Town of Oliver, whether initiated by the Licence Inspector or the municipality or resulting from third party complaints, in respect of the operation of the short term residential rental business. If any deductions are made to the Deposit the holder of the business licence will forthwith replenish the Deposit to the original amount. The Deposit or any portion remaining after deduction will be returned, with no interest, to the person who paid it within sixty days of the cancellation or termination or failure to renew the business licence.
 - e. The holder of a short term residential rental business licence must display a copy of the business licence and the name, address and telephone number of the Local Contact in a

prominent location on the premises. Signage advertising the short term residential rental business is not permitted on the property except as follows:

- i. one unlit sign not exceeding 1½' x 2' in size containing only the address of the property, the name, address and telephone number of the Local Contact and, where applicable the name of the property, business or owner.
- f. Transportation of short term residential rental tenants or guests of short term residential rental tenants to the short term residential rental property by vehicles with a capacity of sixteen passengers or more is prohibited.
- g. The holder of a short term residential rental business licence must keep a written record of the names of all short term residential rental tenants.
- h. The Local Contact shall attend at the property at the commencement of all short term residential rentals and meet the short term residential rental tenants.
- i. A Local Contact, including any member of their immediate family, may not be a Local Contact for more than two separate properties unless the Local Contact is the registered owner of such properties.

FORM OF LICENCE

29. Every application for a licence under this bylaw shall be in the form set forth in Schedule "A".

30. Every licence granted under this bylaw shall be issued in the form set forth in Schedule "B".

31. Information provided on the Business Licence application may be subject to "*Freedom of Information and Protection of Privacy Act*" enquiries.

OFFENCE

32. A person who carries on a business for which a licence is required by this bylaw without holding a valid and subsisting licence for the business commits an offence and is punishable in accordance with the *Offence Act*.

Oliver Business Licence Bylaw No. 1063, 2003 is hereby repealed.

Read a first, second and third time on the 14th day of November, 2017.

Adopted on the _____ day of _____, 2017.

Mayor

Corporate Officer

SCHEDULE "A" BUSINESS LICENCE BYLAW 1368

TOWN OF OLIVER

6150 Main Street
 Box 638
 Oliver, BC V0H 1T0
 250-485-6200
 admin@oliver.ca
 www.oliver.ca



Check off all that apply:

- NEW Business License Inter-Community Business License Change to Existing Business License

Business License Application					
Business Name					
Brief Description of Business				Trade Certificate if applicable	
Physical Business Address					
City		Province		Postal Code	
Phone		E-mail Address			
Cell		Non-Resident Business		YES <input type="checkbox"/> NO <input type="checkbox"/>	
Business Type: <input type="checkbox"/> Commercial Business (storefront) <input type="checkbox"/> Industrial (trade) <input type="checkbox"/> Home Based Business <input type="checkbox"/> Professional <input type="checkbox"/> Seasonal					
Mailing Address					
City		Province		Postal Code	
Owner(s) Information		Name		Email	
		Name		Email	
				Phone/Cell	
				Phone/Cell	
BUSINESS LICENSE CHANGE					
Change of Address		From		To	
Change of Location		From		To	
DECLARATION					
I/We					
Hereby make application for a license in accordance with the particulars as above stated and I declare the above statements are true and correct, and I undertake that if I am granted the license applied for, I will comply with each and every obligation contained in all laws and bylaws now in force or which may hereafter come into force in the Town of Oliver.					
Notice: This business license and fee payment does not constitute a valid business license. A business license will be issued after all bylaw Requirements have been completed. We may supply other agencies with the above information.					
Date		Owner Signature			
OFFICE USE ONLY					
Fee		\$		License Number	
Classification					
Building Inspector Approval Received		YES <input type="checkbox"/> NO <input type="checkbox"/>		Change Approved	
Health Inspector Approval Received		YES <input type="checkbox"/> NO <input type="checkbox"/>		Change Fee	
License Approved		YES <input type="checkbox"/> NO <input type="checkbox"/>			
COMMENTS					

SCHEDULE "B" BUSINESS LICENCE BYLAW 1368

TOWN OF OLIVER
6150 MAIN ST
BOX 638
OLIVER, BC V0H 1T0
Telephone : (250) 485-6200
Fax No. : (250) 498-4466



OFFICE COPY



LOCATION OF BUSINESS :

LICENCE EFFECTIVE :

FROM :
TO :

NAME AND ADDRESS OF BUSINESS :

LICENCE NO. :
CUSTOMER :

BUSINESS DESCRIPTION :

Licence Fee :
Balance :



TOWN OF OLIVER
6150 MAIN ST
BOX 638
OLIVER, BC V0H 1T0
Telephone : (250) 485-6200
Fax No. : (250) 498-4466



BUSINESS LICENCE

LOCATION OF BUSINESS :

LICENCE EFFECTIVE :

FROM
TO

NAME AND ADDRESS OF BUSINESS :

LICENCE NO. :
CUSTOMER :

BUSINESS DESCRIPTION :

Licence Fee :
Balance :

THIS IS TO CERTIFY that the Licencee has paid the required Licence Fee and is entitled to carry on business as indicated within the Town of Oliver, in a lawful manner and subject to the provisions of all bylaws in effect. This Licence is personal and cannot be transferred, except through the Bylaw Division as the bylaws direct.

THIS LICENCE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES
CASH REGISTER IMPRESSION CONSTITUTES OFFICIAL LICENCE

SCHEDULE "C" BUSINESS LICENCE BYLAW 1368



Special Event Application

Applicant Information	
Organization Name:	Re-occurring Event: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, changes from previous year(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Contact Name:	E-mail Address:
Street Address:	City and Province: Postal Code:
Business phone number:	Alternative phone number:
On-Site Contact Name:	E-mail Address:
Street Address:	City and Province: Postal Code:
Cell phone number:	Alternate phone number:
Event Information	
Event Name:	Event Date(s):
Beneficiaries of event:	Are admission fees charged? Yes <input type="checkbox"/> No <input type="checkbox"/>
Location(s):	Site Map/Plan Attached (if applicable): Yes <input type="checkbox"/> No <input type="checkbox"/> <small>(Must be a clearly presented site plan and/or route map to scale)</small>
Event Category: <input type="checkbox"/> Race/Walk/Cycling <input type="checkbox"/> Concert/Performance <input type="checkbox"/> Festival/Celebration <input type="checkbox"/> Block Party <input type="checkbox"/> Parade <input type="checkbox"/> Outdoor Market <input type="checkbox"/> Fundraiser/Charity <input type="checkbox"/> Other	Estimated Attendance: No. of Participants: No. of Spectators: No. of Staff: No. of Volunteers:
Event/Purpose Description: (Please describe your event or attach a summary in letter format)	