

THE CORPORATION OF THE VILLAGE OF SLOCAN

BYLAW NO. 662

A bylaw to provide for the Licencing and Regulating of businesses within the Village of Slocan, pursuant to the provisions of the *Community Charter*.

WHEREAS Council of the Village of Slocan deems it necessary and expedient to provide for regulating and licensing of businesses;

NOW THEREFORE, the Municipal Council of the Village of Slocan, in open meeting assembled, ENACTS as follows:

1. INTERPRETATION

In this bylaw unless the context otherwise requires:

“Bed & Breakfast Accommodation” means tourist accommodation provided within a residential dwelling unit that meets the requirements of the Village of Slocan Zoning Bylaw.

“Business” shall mean the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other service for the purpose of gain or profit;

“Council” means the Municipal Council of the Village of Slocan;

“Food Cart” means a non-motorized mobile cart from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which is not located in a permanent building or structure, and is removed from public access when not in use.

“Food Truck” means a motorized, mobile, self-contained vehicle that is equipped to cook, prepare and/or serve food or beverages but does not include food trailers or food carts, and is removed from public access when not in use.

“Food Trailer” means a portable, self-contained trailer that is equipped to cook, prepare and/or serve food or beverages but does not include food carts, and is removed from public access when not in use.

“Home-Based Business” shall mean the carrying on of a business within the primary dwelling unit in a residential zone;

“Licence Inspector” means a person, or his/her designate, appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw and includes Building Inspectors and Bylaw Enforcement Officers.

“Miscellaneous Business” shall mean any business not based in a permanent building within the Village of Slocan (other than a Mobile Food Vendor);

“Mobile Food Vending” means the operation of a food service business from a food cart, food trailer, or food truck, for the purpose of vending food and non-alcoholic beverages.

“Non Resident Business” means a business, other than a resident business, carried on in the Village, or with respect to which any work or service is performed in the Village;

“Person” includes a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw.

“Resident Business” shall mean a business carried on, in or from premises within the Village;

“Vacation Rental Unit” means a single family dwelling or a detached accessory residence used for the purpose of tourist accommodation and intended to be a temporary residential unit for tourists or other members of the travelling public, and meets the requirements of the Village of Slocan Zoning Bylaw.

“Village” shall mean the Corporation of the Village of Slocan.

2. LICENSING

- (a) Council shall:
 - (i) require an owner or operator of a business to hold a valid and subsisting licence for carrying on a business;
 - (ii) fix and impose licence fees for licences; and
 - (iii) provide for the collection of licence fees and the granting, issuing and transferring of licences.
- (b) Council may establish areas within the Village of Slocan in which licenced mobile vendors may operate and may make such regulations for mobile vending as it deems appropriate and necessary.

3. EXEMPTIONS

- (a) The following non-resident businesses are not required to hold a licence under this bylaw:
 - (i) commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses;
 - (ii) owners or operators of carriers other than taxicabs who either pick up passengers or chattels in the Village for discharging or delivering outside the Village or deliver in the Village passengers or chattels picked up outside the Village, or both;
 - (iii) owners or operators of non-resident taxicabs who only discharge passengers in the Village;
 - (iv) 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;
 - (v) 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;
 - (vi) a person practicing a profession governed by a special act unless he regularly and generally carries on business in the Village;

- (vii) an itinerant seller, as defined by the *Consumer Protection Act*, who furnishes and maintains security pursuant to that *Act* is exempt from Section 10 of this bylaw;
 - (viii) It is also a condition of an itinerant retail business licence that the sellers only sell their goods and wares from commercially zoned property, provided that written permission is obtained from the owner / agent prior to issuance of the business licence.
- (b) No licence is required under this bylaw with respect to any performance, concert, exhibition or entertainment, the entire proceeds of which, above actual bona fide expenses, are donated to any charitable purpose.
- (c) No licence is required under this bylaw by a non-profit organization or service club whose revenues are used solely for charitable or benevolent purposes.

4. INSPECTOR

(a) Duties

The Licence Inspector may:

- (i) administer this bylaw and any amendment made thereto;
- (ii) keep records of applications made and licences issued pursuant to this bylaw and may keep copies of all documents related to the administration of this bylaw; and
- (iii) be deemed to have authority to enforce this bylaw and to pursue legal action against the owners or agents of those businesses that neglect to do or refrain from doing anything that is required to be done by the provisions of the bylaw.

(b) Powers

The Licence Inspector:

- (i) shall have the power to grant, issue or transfer licences as hereinafter provided;
- (ii) is authorized to carry out the administrative procedures in this bylaw and to require such additional information as may be deemed necessary when dealing with any applicant for a licence pursuant to this bylaw;
- (iii) may approve all premises on or upon which the applicant for a licence proposes to carry on a business and/or all vehicles used in connection herewith prior to granting such licence and the Licence Inspector may, at his/her discretion, also require such premises or vehicles to be approved by the Medical Health Officer, the Building Inspector, the Fire Chief, the Chief Constable, any Provincial or Municipal Officer, or any one of them, as he deems fit;
- (iv) notwithstanding (iii) above, the Licence Inspector shall require all food service operators to provide evidence of approval from the Health Inspector before issuance of a business licence;
- (v) may suspend for such period as he may determine any licence issued pursuant to this bylaw if the holder thereof:
 - 1) is convicted of an offence indictable in Canada;
 - 2) 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 licence;

- 3) has, in the opinion of the Licence Inspector, conducted his business in a manner or 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 nineteen years anything that may be harmful or dangerous to the health or safety of such person;
 - 4) has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in his licence as to warrant the suspension of his licence;
- (vi) The Licence Inspector shall be permitted by every licensee under this bylaw to reasonable access to the premises for the purpose of determining the fitness of the premises for a licence pursuant to this bylaw.

5. LICENCES

(a) Requirements

The following requirements shall be in effect:

- (i) Every person carrying on, maintaining, owning or operating within the Village any profession, business, trade, occupation, calling, undertaking or thing shall hold a subsisting licence therefore from the Village and shall pay therefore the fee specified in the current Village of Slocan Fees and Charges Bylaw in respect thereof, which fee shall in all cases be paid in advance.
- (ii) A separate licence is required for each location where a business operates within the Village.
- (iii) Every licence issued, pursuant to the provisions of this bylaw, shall state that the name of the holder thereof is licenced to carry on the profession, business, trade, occupation, calling, undertaking or thing stipulated therein in a lawful manner for the period specified at the place stated therein.
- (iv) Every licence issued under this bylaw shall be in the form prescribed from time to time and each person shall post the same and keep the same posted in a conspicuous place on the premises or on the thing or article in respect of which the licence is issued, and in the case where the holder thereof has no business premises, such licence shall be carried upon his person at all times when he is engaged in the business for which the licence is issued in the Village. Any person failing to post up the licence and keep the same posted as aforesaid shall be guilty of an offence and liable for the penalty as herein provided.
- (v) All business licences issued under this bylaw shall be granted as annual licences for each calendar year. The annual business licence fee prescribed in the current Village of Slocan Fees and Charges Bylaw shall be one-half the year's fee for a person who becomes liable to be licensed after the 30th of June in any year.
- (vi) No refund of the annual licence fee shall be made because the licensee ceases to do business at any time. A licence fee shall be refunded only if the application is withdrawn prior to issuance of the business licence, or if issuance of a business licence is refused.
- (vii) A business licence is not a representation or warranty that the licenced business complies with the bylaws of the Village or with any other regulations or standards.

- (viii) Every holder of a licence to carry on the business of owning, operating or maintaining one or more vending machines shall keep a notice affixed to each machine stating his name, address and telephone number.
- (ix) Every person licensed as a Contractor shall, on the written request of the Licence Inspector, provide a list of all sub-trades engaged on each specific job on a form prescribed by the Licence Inspector. Failure, neglect or refusal to submit such list within two weeks of delivery of each written request shall be an infraction of the bylaw and render such liable to the penalties hereby imposed.
- (x) Every holder of a licence shall notify the Licence Inspector of any change in mailing and/or business address, the classification of the business, area of premises, or any alteration to the premises in which the business is carried out, and upon termination of the carrying on of business by the licence holder, he or she shall notify the Licence Inspector that the licence is no longer required and shall surrender the licence to the Licence Inspector.

(b) Temporary Licensing

Notwithstanding any other provision of this bylaw, the Licence Inspector may authorize the granting of a Temporary Business Licence for a specified time to a maximum of one (1) year for those businesses requesting a licence that do not conform to existing zoning, building or any other such applicable bylaws of the Village of Slocan. No further extensions for Temporary Business Licence will be considered past the original twelve-month period.

6. APPLICATIONS

- (a) The application for a licence shall be on an application form provided for the purpose in the form prescribed from time to time and shall be signed by the owner of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the members of the partnership.
- (b) The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee prescribed in the current Village of Slocan Fees and Charges Bylaw.
- (c) Where any applicant desires to apply for more than one licence, the particulars of each and every licence applied for should be on a separate application form for each business for which a licence is sought.
- (d) All applications for licences shall give a full description in detail of the premises in or upon which the applicant intends to carry on a business for which he has made an application for a licence, and no person to whom the licence has been granted shall carry on a business upon any premises other than those set forth in the said application without first making an application under this Section for a new licence or for a transfer of such licence as hereinafter provided.
- (e) All applications for licences under this bylaw shall be made to the Inspector on the form of application provided and therein the applicant shall make a true and correct statement in writing disclosing all things required.

7. TRANSFERS

- (a) Any person desiring to obtain the transfer of any licence or a part interest in any licence held under this bylaw by any other person shall make application in every material respect the same as that required to obtain a licence under this bylaw; and the powers, conditions, requirements and procedures herein contained relating to the granting and refusal of licences and appeals thereon shall apply to all such applications.
- (b) An application for a transfer of a licence shall be made when:
 - (i) a person changes his place of business or in any manner makes a material change to his place of business; and
 - (ii) a person changes the number of tables, rooms, machines, or anything required from initially prescribed applications; and the Licence Inspector will endorse the changes of the licence and collect any additional fees thereof.

8. HOME-BASED BUSINESS

The following terms and conditions are to be given due consideration by the Licence Inspector prior to the issuance of a Home-Based Business Licence:

- (a) That the carrying on of business by an individual within a residential zone be conducted within the primary dwelling unit.
- (b) The floor area devoted to the home-based business shall not exceed fifty per cent (50%) of the floor area of the primary dwelling unit. This regulation does not apply with Bed & Breakfast or Vacation Rental Units.
- (c) The business shall be carried on only by a person or person resident on the parcel and no more than one person not resident thereon shall work within the premises.
- (d) No change shall be made in the external appearance of the building to indicate that a home-based business is being conducted therein; except for one non-illuminated sign not larger than 0.1 square meter.
- (e) No commodities may be offered for sale except those produced on the premises.
- (f) There shall be no external storage or outdoor display of materials, equipment or finished product or commodity.
- (g) The business shall produce no public nuisance whether by noise, vehicles, smoke, odour, dust, glare, electrical interference or by other means.
- (h) The business shall not interrupt the peace and tranquility of the neighbourhood so as to cause a nuisance.
- (i) The home-based business shall provide sufficient off-street parking so as not to affect the neighbourhood. Parking shall be provided in accordance to the regulations of the Village of Slocan Zoning Bylaw and shall be in addition to those units provided for the primary dwelling.
- (j) The Home-Based Business Licence issued shall not detract from the commercial zone of the community.
- (k) The fee for a Home-Based Business Licence shall be that listed in the current Village of Slocan Fees and Charges Bylaw.

- (l) That in a rented premise the landowner, manager or agent shall authorize in writing the tenant to obtain a licence and such authorization shall be submitted prior to the issuance of a licence.

10. **MOBILE FOOD VENDING**

- (a) No person shall operate mobile food vending within the Village of Slocan without first obtaining and maintaining a valid Mobile Food Vending Licence for each mobile food vending unit in operation.
- (b) A maximum of one (1) food cart, trailer or truck selling the same food types will be permitted per vending area, and are solely at the discretion of the Licence Inspector for approval. Vendor applications will be approved on a first-come, first-served basis, and licences must be re-applied for each calendar year.
- (c) No person shall operate mobile food vending without providing proof satisfactory to the Village that the following permissions have been obtained, and regulations met:
 - (i) Interior Health Approval;
 - (ii) FoodSafe BC Certification;
 - (iii) Proof of Motor Vehicle Insurance (Food Trucks and Food Trailers);
 - (iv) Proof of Liability Insurance Coverage which meets the following minimum requirements:
 - 1) Inclusive limit of \$2,000,000 and Public Liability & Property Damage;
 - 2) Cross Liability Clause;
 - 3) *The Corporation of the Village of Slocan* named as joint insured under the policy;
 - 4) Provide that the coverage under the policy cannot be cancelled or any provisions changed or deleted unless thirty days' prior written notice is given to the Village by the Insurer.
 - (v) A Discharge Management Plan satisfactory to the Village that describes how and where fats, oils and grease will be disposed, if applicable.
- (d) Mobile food vending businesses are limited to the sale of food and non-alcoholic beverages.
- (e) Mobile food vending cart design and size must be approved by License Inspector.
- (f) Mobile vending carts must only operate in areas designated by the Village of Slocan, as shown in Schedule 'A' attached hereto and forming part of this bylaw.
- (g) No person shall operate mobile food vending in locations other than the following:
 - (i) Private Property zoned for Commercial use, with the Mobile Food Vending business being at least a distance of 30 meters from an existing permanent food service establishment.
 - (ii) Village property and park locations as specified in Schedule 'A' attached hereto and forming part of this bylaw.
- (h) Mobile vending carts shall only operate between the hours of 9:00 a.m. to 9:00 p.m.
- (i) No person shall operate mobile food vending within:
 - (i) 30 meters of an existing permanent food service establishment;
 - (ii) 100 meters of any elementary school;

- (iii) 150 meters of a special event or festival (except where permission from the event coordinator has been obtained, in writing, and provided to the Village); and
 - (iv) residentially-zoned areas unless approved by the Licence Inspector for a special event.
- (j) No person shall provide or operate a food truck or trailer more than:
 - (i) 2.5 meters in width; and
 - (ii) 8 meters in length.
- (k) No person shall operate mobile food vending on private property, without first supplying the Licence Inspector with a written letter of permission from the owner of the property on which the vendor will be locating.
- (l) No person shall carry on a Mobile Food Vending business on public property unless located in a location specified in Schedule 'A' attached hereto and forming part of this bylaw, or under a permit issued by the Village for Special Events.
- (m) No person shall operate or provide mobile food vending that is not maintained at all times in good sanitary and aesthetically pleasing condition.
- (n) No person shall operate or provide mobile food vending without its own power and water source. No person shall operate generators used to provide power if they, in the opinion of the Village, create a disturbance.
- (o) No person shall operate or provide mobile food vending without providing proper waste and recycling receptacles adequate to ensure the cleanliness of the adjacent area. No person shall operate a mobile vending unit without a cleanup within a 10 meter radius after service at a location, and removing of all collected garbage from the location.
- (p) No person shall operate mobile vending without maintaining clearance on all sides of the mobile food vending unit such that pedestrians are able to easily and safely pass by without congestion.
- (q) No person shall operate mobile food vending in a manner that restricts or interferes with the ingress or egress of the adjacent property owner or constitute an obstruction to adequate access by emergency services, Village services, or other service vehicles.
- (r) No person shall leave mobile food vending unattended.
- (s) No person shall store mobile food vending on public property overnight.
- (t) Business Licences for mobile vendors are not transferrable.
- (u) Mobile vendors are agree to keep areas clean and are responsible for the daily removal of and disposal of garbage and recyclable containers collected.
- (v) Garbage and recyclables must not be left on site or placed in Village refuse containers.
- (w) Vendors displaying products after dark must provide adequate lighting;
- (x) Mobile vending carts shall neither create nor cause a fire hazard, or electrical interference.
- (y) Mobile vendors must not operate any noise or sound-making equipment as to create a nuisance.

11. GENERAL

- (a) The Licence Inspector may refuse in any particular case to grant the request of an applicant for a licence or renewal of a licence.
- (b) The Licence Inspector may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- (c) Any person who has applied for but failed to be granted a licence or who has had a licence revoked may appeal to Council.

12. PENALTIES

- (a) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any such provisions or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties hereinafter provided. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- (b) Any person guilty of an infraction of this bylaw shall be liable upon summary conviction to a minimum fine or penalty of One Hundred Dollars (\$100.00) and costs; and on default of payment, to imprisonment for a term not exceeding Sixty (60) days.

13. SEVERABILITY

If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

14. REPEAL

The "Corporation of the Village of Slocan Business Licence Bylaw No. 606, 2011" and all amendments thereto are hereby repealed.

15. TITLE

This bylaw may be cited as the "**Village of Slocan Business Licence Bylaw No. 662, 2018.**"

READ A FIRST TIME the 11th day of June, 2018.

READ A SECOND TIME the 11th day of June, 2018.

READ A THIRD TIME the 11th day of June, 2018.

FINALLY PASSED AND ADOPTED the 9th day of July, 2018.



Mayor



Chief Administrative Officer

SCHEDULE 'A' to the Business Licence Bylaw

MOBILE FOOD VENDOR AREA DESIGNATION MAP

