

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 689

BEING A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATION OF BUSINESS.

WHEREAS the Regional District of Central Okanagan has adopted the Extended Service of Licensing and Regulating Business in Electoral Areas G, I and Westbank;

AND WHEREAS the Regional District of Central Okanagan wishes to regulate and license businesses.

NOW THEREFORE the Board of the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

PART ONE - DEFINITIONS

In this bylaw, unless the context otherwise requires:

'Applicant' means any person who makes application for any license under the provisions of this bylaw.

'Board' means the Board of Directors of the Regional District of Central Okanagan.

'Body Rub' includes the manipulating, touching or stimulating by any means, of a person's body, or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities.

'Body-Rub Parlour' includes any premises or part thereof where a body-rub is performed, offered or solicited.

'Body-Painting Studio' includes any premises or part thereof where, directly, or indirectly a fee is paid for any activity including the application of paint, powder, or similar materials to the body of another person.

'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 an activity carried on by the government, its agencies or government owned corporations.

'Director' means the Director of Inspection Services and other persons employed by the Regional District of Central Okanagan including the Bylaw Enforcement Officer, Building Inspector, Plan Checker, License Inspector and Inspection Clerk, for the purpose of enforcing and carrying out the provisions of this bylaw.

'District' means the Regional District of Central Okanagan.

'Dating Service' means any persons carrying on the business of providing information to persons, not employed by the dating service, desirous of meeting other persons for the purpose of social outings.

'Flea Market' means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public.

'Service Areas' means Electoral Areas G, I and Westbank of the Regional District of Central Okanagan.

'Social Escort Service' includes any person carrying on the business of providing or furnishing male or female escorts for social occasions.

'Trade Show' means the business of organizing a group of merchants, suppliers, tradespeople or professionals together as a group in one location or building for a period of up to 14 days to display and offer their products or services for sale.

PART TWO

LICENSE REQUIREMENT

1. Subject to Sections 499 and 512 of Municipal Act:
 - a) No person shall carry on business in the District without a License.
 - b) Every person who owns or operates any business within the District shall apply for, obtain and hold a License for each business.
 - c) Every person who carries on business from more than one premises in the District shall obtain a separate License for each premises.

LICENSE FEE

2. Every person who applies for a License shall pay the applicable license fee prescribed in Schedule 'A' to this bylaw, provided that:
 - a) An annual license fee prescribed in Schedule 'A' shall be reduced by one-half in respect of a License issued after July 31st in any year.
 - b) No refund of license fee shall be made on account of person ceasing to do business. A license fee shall be refunded only if the License application is withdrawn prior to the issuance of the License or if issuance of the License is refused.

POWERS

3. The Director may grant a license upon being satisfied that the applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation and business.
4. The Director may suspend any License for the period decided by the Director if the Licensee:
 - a) is convicted of an offense indictable in Canada;
 - b) is convicted of an offence under any bylaw or statute of the Province in respect of the business for which the person is licensed or with respect to the premises named in the License;
 - c) has, in the opinion of the Director, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the License that it warrants the suspension of the license;

- d) has ceased to meet the lawful requirements to carry on the business for which the person is licensed or with respect to the premises named in the License; or
- e) has, in the opinion of the Director, conducted the 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 sixteen (16) years.

INSPECTIONS

- 5. The Director, every Inspector, and District Bylaw Enforcement Officer may enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw are being observed.

INITIAL LICENSE APPLICATIONS

- 6. An application for the initial License for a business shall be made on the application form set out in Schedule 'B' to this bylaw and shall be signed by an owner or operator of the business or the owner of operator's duly authorized agent.
- 7. The application for an initial License for a business shall include a detailed description of the premises in or upon which the applicant intends to carry on business.
- 8. An application for a business License shall be endorsed by a fire department official where the business operates from a premises located in a fire protection area.
- 9. An application for a business license shall be endorsed by a public health inspector where the business operates in a premises served by a private sewage disposal system, the business involves the handling of food or drinks, or the business is a personal service establishment as defined by the Health Act regulation.
- 10. Where an applicant applies for more than one License, the particulars of each License applied for shall be included on a separate application form.
- 11. The application form shall be delivered to the Director and shall be accompanied by the fee prescribed in Schedule 'A' to this bylaw and the endorsements required by Section 8 and 9. A copy of the completed application will be given to the applicant.

LICENSE PERIODS

- 12. Licenses shall be granted as annual license for a period commencing each January 1 and expiring each December 31.

LICENSE FORMS

- 13. Every License shall be in the form set out in Schedule 'C' to this bylaw.

DISPLAY OF LICENSE

14. Every Licensee shall keep the Licensee's copy of the License posted in a conspicuous place on the premises in respect of which the License is issued. Where the Licensee has no business premises in the District, the License shall be carried upon the Licensee's person at all times when the Licensee is engaged within the District in the business for which the License was issued.

EFFECT OF LICENSE

15. A License authorizes only the person named in the License to carry on only the business described in the License, and only at the premises or locations described in the License.
16. A License is not a representation or warranty that the licensed business or the business premises comply with the bylaws of the District or with any other regulations or standards.

LICENSE RENEWAL

17. The Director will forward an annual Business License invoice to every Licensee at the address listed on the existing license. Notwithstanding this section, the Licensee shall be responsible for maintaining a Business License for each current period.
18. A Licensee who proposes to renew a License shall submit the Business License Invoice and annual License Fee to the District prior to February 28 in the license year.
19. If the License is not renewed as required by Section 18, the License shall be terminated and a Licensee who continues to carry on the business shall submit an application form and supporting documentation in accordance with Section 6 through 11 and Schedule 'A' and shall pay an additional license fee as specified in Schedule 'A'.
20. Receipt of a Business License shall serve as a confirmation that the License has been renewed.

LICENSE TRANSFERS - NEW PREMISES

21. No person shall carry on a business upon any premises other than those described in the initial License application without first making an application under this section for a new License or for a transfer of the original License.
22. Any person proposing to obtain a transfer of a License with respect to a change of premises shall make application on the form specified by Schedule 'B'.

LICENSE TRANSFERS - PERSON TO PERSON

23. Any person who acquires a business or a controlling interest in any business from any person licensed under this bylaw shall not carry on such business without first having obtained approval for a transfer of the License.

24. Any person proposing to obtain a transfer of a Licensee held by any other person shall make application in the form of Schedule 'B' and the powers, conditions, requirements and procedures relating to the initial License application apply.

TRANSFER FEES

25. The fee payable in respect of any transfer of a License for a change of premises or from one person to another shall be as specified in Schedule 'A'.
26. Notwithstanding Section 1, no License is required for the provision of daycare to not more than two unrelated children, or to the children of one family, by a person who is not related to those children.
27. Every person or individual carrying on the business of or operating a Social Escort Service shall:
- a) Supply the Inspector and the Officer in Charge of the Royal Canadian Mounted Police with the name, age, address, and description of every individual proposed to be employed or engaged in the said business together with such additional information as the Inspector may require.
 - b) Notify the Inspector within seventy-two hours of any change in personnel employed in the said business.
 - c) Maintain to the satisfaction of the Inspector and the Officer in Charge of the Royal Canadian Mounted Police a written record of every request to provide or furnish an escort, or partner giving the name and address or the individual requesting the service together with the name of the escort, or partner recommended and the function to be attended.
 - d) Obtain the approval of the Inspector and the Officer in Charge of the Royal Canadian Mounted Police prior to the employment or engagement of any individual in the said business.
28. Every person or individual carrying on the business of or operating a dating service shall:
- a) Supply the Inspector with the name, age, address and description of every individual proposed to be employed or engaged in the said business.
 - b) Notify the Inspector within seventy-two hours of any change in the personnel employed or engaged in the said business.
 - c) Maintain a written record of all individuals registered with the dating service showing their name, address and the individual to whom they have been referred for a social engagement and shall upon request make such list available for inspections by the Inspector or member of the Royal Canadian Mounted Police.
29. Every person or individual carrying on the business of or operating a Body-Rub Parlour or Body-Painting Studio or individual operating the business of performing Body-Rub shall:

- a) Supply the Inspector and the Officer in Charge of the Royal Canadian Mounted Police with the name, age, address and description of every individual proposed to be employed or engaged in the said business.
 - b) Notify the Inspector within seventy-two hours of any change in personnel employed or engaged in the said business.
 - c) Not employ any person on the Licensed Premises unless such person is nineteen (19) years of age or older.
 - d) Not permit any person to be on the licensed premises at any time unless such person is nineteen (19) years of age or older.
 - e) Submit to the Inspector at the time of Business License application, a written recommendation from the Officer in Charge of the Royal Canadian Mounted Police.
30. Every person carrying on the Business of or operating as a pawn broker or second hand dealer shall:
- Disclose the names and addresses of all persons who will be actively engaged in the management and control of the business.
- Notify the Inspector within seventy-two hours of any change in the personnel so named under Section 30, and
- Provide the Chief Constable with a copy of the Business License application respecting the pawn broker or second hand dealer's business.
- 30.1 The Inspector, or any member of the Royal Canadian Mounted Police, is hereby authorized to enter, at any time, during business hours, premises that are licensed or proposed to be licensed for a pawn broker or second hand dealer, for the purpose of determining compliance with Section 30.
 - 30.2 All persons licensed or seeking to be licensed pursuant to this bylaw shall admit entry to the premises for the purpose of inspection and shall not in any way hinder or obstruct the inspection and shall, on request, supply information relevant to the inspection for the purpose of determining compliance with this bylaw.
 - 30.3 No person shall purchase or receive pawn goods or chattels, unless the person depositing the goods or chattels is:
 - a) Eighteen years of age or older;
 - b) not under the influence of alcohol or drugs; and
 - c) able to produce valid, photographic identification.
 - 30.4 All persons licensed as pawn brokers or second hand dealers shall deliver or send by fax or other electronic means, to the Chief Constable, weekly, prior to 9:30 a.m. on Monday of each week, on a form acceptable to the Inspector, a statement of all goods and chattels purchased or received by the Licensee during the week, which statement shall include the following:
 - a) A description including any descriptive mark, name, and serial number of the goods and chattels;
 - b) the price paid and whether the item was deposited in pawn or purchased;

- c) the date and time of purchasing or receiving the goods and chattels;
- d) the name, date of birth, address and contact telephone number of the person depositing the goods and chattels and, if available, a copy of any photographic identification produced pursuant to Section 30.3 (c) of this bylaw;
- e) if available, the make, description and license number of any vehicle used by the person depositing the goods and chattels;
- f) the name of the employee or Licensee receiving the goods and chattels; and
- g) in the case of jewelry, the description of the type, colour, style of jewelry and apparent type of gem.

No such statement shall be required on public holidays, but shall be submitted the following business day, and all statements shall disclose the whole period subsequent to 9:30 a.m. of the day on which the last preceding statement was made.

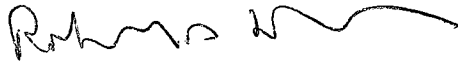
- 30.5 No Licensee shall permit any entry made in the record of goods to be erased, obliterated or defaced in any way or removed from the premises, except upon the request of the R.C.M.P.
- 30.6 No Licensee shall alter, sell, exchange or otherwise dispose of goods or chattels deposited with or delivered to the licensee until after the expiration of seven (7) clear days, exclusive of Sundays and holidays, provided that the Licensee may, upon request, return goods or chattels to the person who originally deposited them with the Licensee. The Licensee shall keep such goods and chattels segregated from other goods and chattels located on the premises so as to allow inspection at any time during regular business hours by the R.C.M.P.
- 30.7 The Chief Constable may waive compliance with the requirements of Section 30 of this bylaw by so advising the Licensee in writing.
- 31. A License for flea markets shall be considered to cover all vendors within the flea market. Such licenses shall be limited to operating one day per week at a specific premises.
- 32. Non profit organizations sponsoring home craft or bake sales are not required to obtain a business license where such events do not exceed twelve (12) days per year.
- 33. The license for a trade show shall be considered to cover all vendors within the show for a period not exceeding fourteen (14) days.
- 34. Residential premises holding garage/yard sales are not required to obtain a business license. Such garage/yard sales shall be limited to two (2) sales days per year per residence in single and two-family residential areas, or two sales days per building per year in multiple family areas.
- 35. This bylaw may be cited for all purposes as "Regional District of Central Okanagan Business Licensing and Regulations Bylaw No. 689, 1996".

READ A FIRST TIME THIS 7th DAY OF October, 1996.

READ A SECOND TIME THIS 7th DAY OF October, 1996.

READ A THIRD TIME THIS 7th DAY OF October, 1996.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 7th DAY OF October, 1996.



CHAIRPERSON



SECRETARY

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 689, cited as "Regional District of Central Okanagan Business Licensing and Regulation Bylaw No. 689, 1996" as read a third time by the Regional Board on the 7th day of October, 1996.

Dated at Kelowna, B.C.
this 10th day of
October, 1996.



Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 689, cited as "Regional District of Central Okanagan Business Licensing and Regulation Bylaw No. 689, 1996" as adopted by the Regional Board on the 7th day of October, 1996.

Dated at Kelowna, B.C.
this 10th day of
October, 1996.



Secretary