



Business Licence Bylaw 2016

No. 1355

District of Mackenzie

Consolidated for Convenience Only

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The District of Mackenzie

District of Mackenzie Business Licence Bylaw No. 1355, 2016

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Explanatory Note

Bylaw No. 1355 provides legislation for the regulation and licensing of businesses in the municipality.

Amending Bylaws:

Bylaw No. 1390 – Adopted May 14th, 2018.

Bylaw No. 1390 introduces definitions for Cannabis, Commercial Landlord, and Retail Cannabis sales, restricts retail sales of cannabis, introduces a requirement for Commercial Landlords, and updates Schedule A.

Bylaw No. 1399 – Adopted October 9th, 2018.

Bylaw No. 1399 introduces requirements for Retail Cannabis Sales and adds a licence fee for retail cannabis sales.

Bylaw No. 1475 – Adopted April 25th, 2022.

Bylaw No. 1475 changes Section 12.3 to regulate the late payment of licence fees.

DISTRICT OF MACKENZIE

BYLAW NO. 1355, 2016

A bylaw to provide for the regulation and licencing of business.

The Council of the District of Mackenzie, in open meeting assembled **HEREBY ENACTS** as follows:

1. CITATION

1.1 This Bylaw may be cited for all purposes as “Business Licence Bylaw No. 1355, 2016”.

2. REPEAL OF BYLAW NO. 1232

2.1 *Business Licence Bylaw No.1232*, as amended, is repealed.

3. DEFINITIONS

3.1 In this Bylaw:

- (a) **“Applicant”** means a person who
 - (i) applies for a Licence or renewal of a Licence pursuant to this Bylaw; or
 - (ii) is the owner of the Business or an agent on behalf of the owner;

- (b) **“Application”** means an Application in the form attached to this Bylaw as Schedule B that must be submitted to the District by an Applicant for the purpose of obtaining a Licence;

- (c) **“Bed and Breakfast”** means accommodation Business conducted within a principal dwelling unit by the residents of the dwelling unit, which provides sleeping accommodations and limited food service to guests using the sleeping accommodations;

- (d) **“Business”** means a commercial, industrial activity or professional undertaking of any kind that provides or sells goods or services for the purpose of gain or profit, but does not include an entity or activity carried on by the government of British Columbia or the government of Canada;

- (e) **“Bylaw”** means this Bylaw and any amendments to it;

- (f) **“Cannabis”** means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis and its derivatives;

- (g) **“Commercial Landlord”** means a person or entity who holds a legal or beneficial interest in any premises within District boundaries and leases, lets, or rents to any other person or entity for the purposes of operating a business;

- (h) **“Contractor”** means a Person that undertakes a contract to provide materials or labour to perform a service or do a job;

- (i) **“Council”** means the municipal Council of the District;

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- (j) **"District"** means the District of Mackenzie;
- (k) **"Escort Service"** means a Business that provides or furnishes escorts or partners for social occasions or other purposes;
- (l) **"Entertainment Facility"** includes but is not limited to a theatre, drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park, or other place of amusement, entertainment, or exhibition;
- (m) **"Farmers' Market"** means a venue that is primarily used as a locally produced food or artisan goods market with the primary function of providing a direct marketing outlet for local farmers, food processors, or artisans;
- (n) **"Fee"** means a fee payable for a Licence under this Bylaw;
- (o) **"Home Occupation"** means a customary accessory use carried on within a dwelling by the person or persons residing therein which use is clearly secondary to the principal use of the premises and does not change the character thereof. A Licensee for a Home Occupation shall comply with the requirements outlined in the District's *Zoning Bylaw 1114, 2006* as amended or replaced from time to time;
- (p) **"Inspector"** means the person assigned the responsibility for administering this Bylaw and any delegates;
- (q) **"Itinerant Entertainment"** includes but is not limited to a circus, horse or pony show, a dog show, an exhibition or other form of itinerant show or entertainment;
- (r) **"Licence"** means a Business Licence issued pursuant to this Bylaw;
- (s) **"Licensee"** means a Person that holds a Licence;
- (t) **"Massage Parlour"** means a Business that provides body rubs, massages or related services but does not include Businesses providing medical, therapeutic or cosmetic massage treatment, or therapeutic touch therapy, given by a registered massage therapist or a person duly licensed, certified or registered under any statute of the Province of British Columbia governing such activities;
- (u) **"Municipality"** means the geographic area of the District;
- (v) **"Non-Resident Business"** means a Business which is not a Resident Business, but is carried on within the Municipality, or with respect to which any work or service is performed within the Municipality;
- (w) **"Non-Profit Organization"** means:
 - (i) a not for profit community organization organized and acting principally for charitable or benevolent purposes;
 - (ii) a society incorporated and registered and in good standing in British Columbia or in Canada; or
 - (iii) a registered charitable organization in good standing under the Canada *Income Tax Act*;but shall not include the Farmers' Market Society;
- (x) **"Offence Act"** means the *Offence Act*, RSBC 1996, c. 338, as amended or replaced from time to time;
- (y) **"Parcel"** means an area of land within the Municipality having its own legal description and parcel identification number;

- (z) **"Person"** means a human being, a corporation or other legal entity that carries on Business in the Municipality;
- (aa) **"Picture Identification"** means one or more of the following provided that the identification has not expired and it has a photograph of the bearer:
- (i) driver's licence issued by a Canadian province or territory;
 - (ii) identity card issued by a Canadian province or territory;
 - (iii) passport issued by the government of origin;
 - (iv) Certificate of Indian Status issued by the Government of Canada;
 - (v) Certificate of Canadian citizenship issued by the Government of Canada;
 - (vi) Conditional release card issued by Correctional Services Canada; and
 - (vii) any other form of Provincial or Federal identification that includes details of the identity and photograph of the bearer;
- (bb) **"Portable Food Vendor"** means a Person who Sells food items intended for immediate consumption from a motor vehicle, cart or trailer to the general public;
- (cc) **"Preschool"** means a preschool as defined in the Zoning Bylaw;
- (dd) **"Premises"** means a building, portion of a building or location where a Business is carried on;
- (ee) **"Resident Business"** means a Business that is carried on, wholly or in part, in or from Premises within the Municipality;
- (ff) **"Residential Tenancy Act"** means the *Residential Tenancy Act, S.B.C. 2002, c. 78*, as amended or replaced from time to time;
- (gg) **"Sell"** means to sell, offer for sale, hawk, display, offer by advertisement or otherwise, peddle or any related activity wherein goods or services are offered or provided for sale or other consideration;
- (hh) **"Sign Bylaw"** means the District's *Sign Regulation Bylaw, No. 1262, 2010* as amended or replaced from time to time;
- (ii) **"Temporary Commercial Vendor"** means a Person who Sells goods or services other than food items for immediate or later consumption:
- (i) from a motor vehicle, cart or a temporary stall that is not part of permanent use on the lot, and
 - (ii) is permitted to be sold in the zone in which the vehicle or stall is located; and
 - (iii) is not part of the Farmer's Market.
- (jj) **"Zoning Bylaw"** means the District's *Zoning Bylaw, No. 1114, 2006* as amended or replaced from time to time.

4. Requirements for a Business Licence

- 4.1 (a) Subject to the provisions of this Bylaw, a Person shall not carry on a Business within the Municipality unless the Person holds a valid Licence.
- (b) A Licence that has:
- (i) not been issued in accordance with this Bylaw;
 - (ii) expired;
 - (iii) been refused;
 - (iv) been cancelled;
 - (v) been suspended; or
 - (vi) been revoked

is not a valid Licence.

4.2 The following Businesses do not require a Licence:

- (a) yard or garage sales provided that the sales do not occur more frequently than once every 3 months to a maximum of 4 sales per year;
- (b) buskers or street entertainers;
- (c) fund-raising activities held by educational organizations, churches, sports teams, or associations;
- (d) an activity undertaken by or on behalf of the local, provincial, or federal government or a corporation or agency of the government;
- (e) a Person who conducts a program or course on behalf of the local government;
- (f) the operation of a utility by a provincial or federal ministry or provincial or federal crown corporation or agency;
- (g) a performance, concert, exhibition, or entertainment from which the net proceeds are given to a charitable purpose;
- (h) a performance, concert, exhibition or entertainment or concession at or within the Premises for which a Licence has been issued and is in good standing;
- (i) the renting of a single family dwelling, secondary suite or duplex, if the rental agreement is subject to the Residential Tenancy Act;
- (j) the renting of rooms where there are not more than 2 rooms available to rent and the rental agreement is subject to the Residential Tenancy Act;
- (k) a Non Resident Business consisting of any of the following:
 - (i) a commercial wholesale Business or manufacturer that Sells goods, wares or merchandise to Businesses within the Municipality for resale;
 - (ii) a commercial transport Business that delivers goods or materials within the Municipality from a location outside the Municipality or that picks up goods or services within the Municipality for delivery outside the Municipality, or both;
 - (iii) a taxi or limousine Business that does not pick up persons within the Municipality;
 - (iv) a retail Business that delivers or picks up items sold by the retail Business;
 - (v) a wholesaler, manufacturer or processor delivering items to merchants for resale by the merchants in the Municipality; or
 - (vi) a Person who practises a profession which is governed by its own legislation and does not carry on Business in the Municipality more than 30 days accumulatively with a calendar year, or
- (l) a Person who pays a user fee to the Licensee of a Farmers' Market to participate in the Farmers' Market within the Municipality.

4.3 A Non Resident Business must hold a Business licence required by the jurisdiction where the Non Resident Business has an office, place of Business or Business address or is usually a resident and the Non-Resident Business shall carry with it a copy of the Licence for presentation to the Inspector upon request.

4.4 If a Person carries on the same Business in or from more than one Premises in the Municipality, then the Person shall be required to have a separate Licence for each of the Premises used in the Business.

4.5 If a Person carries on more than one Business at a Premises, then that Person will be required to have separate Licences in respect of each Business located at the Premises.

4.6 A Person shall not carry on Business at any location other than the Premises specified in the Licence.

4.7 A Contractor that holds a License shall do the following:

- (a) give notice to every subcontractor or supplier of goods, materials or services of the Contractor Licensee within the Municipality that the subcontractor or supplier of

- goods, materials or services must hold a Licence at the time of providing the goods, materials or services;
- (b) make it a condition of every contract between the Contractor Licensee and a subcontractor or supplier of goods, materials or services that the subcontractor or supplier of goods, materials or services:
 - (i) holds a Licence; and
 - (ii) provides a copy of the Licence to the Contractor Licensee; and
- (c) retains the copies of the Licences for all of the subcontractors or suppliers of goods, materials or services.

- 4.8 A person may not be granted a business licence for retail cannabis sales, and any existing business licence holder may not undertake to conduct cannabis sales as part of their business.

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5. Business License Application

- 5.1 In order to obtain a Licence, an Applicant must:
- (a) complete an Application;
 - (b) ensure that an authorized signatory of the Applicant signs the Application on behalf of the Applicant;
 - (c) provide proof to the District that the Business has the approval to operate at the Premises where the Business is located from the owner of the property or the owner's authorized agent;
 - (d) submit the Application to the District; and
 - (e) pay the applicable Fees for the Licence as set out in Schedule A of this Bylaw.
- 5.2 (a) An Applicant must provide the following information as part of the Application:
- (i) detailed description of the Business;
 - (ii) name of the Business;
 - (iii) address and phone number of the Business;
 - (iv) name and full address of the Applicant;
 - (v) name and full address of the owner of the Business, if the owner is not the Applicant;
 - (vi) number of employees working for the Business; and
 - (vii) any other information the Inspector may require.
- (b) Without limiting any other provisions of this Bylaw, an Applicant may be required to:
- (i) undergo a criminal record search by the Royal Canadian Mounted Police; and
 - (ii) pay any fees associated with the criminal record search.
- 5.3 If an Applicant is a partnership or firm, then the partnership or firm is deemed to be in compliance with this Bylaw if one of the partners or members of the firm is the Applicant and makes the Application in the name of the partnership or firm.
- 5.4 An Applicant that fails to provide the information required by the Inspector or that conceals any information which should be disclosed in an Application commits an offence against this Bylaw.
- 5.5 An Applicant will be responsible for any errors or omissions in the information provided on the Application by the Applicant.

6. Preschool

- 6.1 In addition to compliance with section 5.1, an Applicant for a Licence for a Preschool which is located in a residential zone as set out in the Zoning Bylaw must also notify, in writing, the owners and occupiers of all properties within a radius of 100 metres of the Premises proposed for the Preschool as to:
- (a) the maximum number of children the Preschool is intended to accommodate; and
 - (b) the hours of operation.

7. Conditions of the Licence

- 7.1 A Licence issued under this Bylaw authorizes only the Person named in the Licence to carry on the Business described in the Licence and only at the Premises described in the Licence.
- 7.2 If the District issues a Licence, the District does not represent or warrant that the Business or the Premises comply with the bylaws of the District or any other regulations or standards and a Licensee shall be solely responsible for ensuring that the Business is carried on in accordance with all District bylaws and other applicable enactments.

8. Posting of the Licence

- 8.1 A Licensee shall, at all times post the Licence in a conspicuous place on the Premises for which the Licence is issued.

9. Duration of the Licence

- 9.1 A Licence shall be valid for the calendar year in which it was issued, unless otherwise specified in this Bylaw.
- 9.2 Despite section 9.1, the following types of Business may have a Licence for the following durations:
- (a) Entertainment Facility may have a Licence for up to 6 months or less in duration; and
 - (b) Itinerant Entertainment, when held at Premises other than an Entertainment Facility, may have a Licence for up to 30 days or less in duration.

10. Fees

- 10.1 Subject to the provisions of this Bylaw, a Person shall pay the Fees set out in Schedule A to apply for or to renew the Licence.
- 10.2 (a) A Fee for a Licence shall be:
- (i) pro-rated in circumstances where the Business is carried on for part of a calendar year in accordance with subsection (b);
 - (ii) refunded in the circumstances described in section 10.4; and
 - (iii) subject to a penalty for failure to renew on time.
- (b) The pro-rating of the Licence Fee shall:
- (i) be based on a reduction of one-twelfth for each full month period in the calendar year prior to the start of the Business to a maximum of six months so that the total reduction shall not exceed 50% of the stated Fee;
 - (ii) be only applicable in the first year that the Business is in operation; and
 - (iv) not apply to a renewal or reinstatement of a Licence.
- 10.3 The amount of a Fee payable by a Person under the provisions of this Bylaw shall be a debt due by the Person to the District and may be recovered with costs in any court of competent jurisdiction.
- 10.4 (a) The District may refund Fees for a Licence only if the Licence is refused by the District on the initial Application for the Licence.
- (b) The District shall refund any Fees paid on account of the Application, less an administration fee of 10%.

11. Changes to the Business Licence

11.1 A Licensee shall immediately notify the District in writing if there is a change to the Business with respect to any of the following:

- (a) the location of Premises;
- (b) the name of the Business;
- (c) the ownership of the Business;
- (d) any term or condition on which the Licence was issued; or
- (e) any change that would increase the Fee for the Business.

11.2 The Licensee shall immediately notify the Inspector and pay any additional owing, if the Licensee makes a change to the Business and the change impacts the Fee for the Licence including any of the following:

- (a) floor area or ground area;
- (b) number of persons employed;
- (c) number of machines, appliances or rental units; or
- (d) some other factor used in the Business.

11.3 The powers, conditions, requirements and procedures relating to the granting or refusal of a Licence shall apply to any Application for change to a Licence.

11.4 A Licence is not transferable to a new owner of an existing Business.

12. Licence Renewal

- 12.1 (a) Every Licensee shall renew its Licence annually by paying the applicable Licence Fee.
- (b) Without limiting the obligation of every Licensee to renew its Licence and pay the Licence Fee annually, the Inspector shall forward a Licence invoice before December 31 in each year to every Licensee.
- (c) A Licensee shall be responsible for renewing the Licence each year that the Licensee carries on the Business notwithstanding any failure by the Inspector to forward a Licence invoice in accordance with subsection 12.1(b),

12.2 The Licensee must submit the applicable Fee to the Inspector prior to February 28 in every year, except the first year, in which the Business is carried on.

12.3 The Inspector shall apply the following discounts or penalties in respect of Fees:

- (a) a penalty of 10% added to the Licence Fee, if the Licensee does not pay the applicable Fee by March 1 in the calendar year in which the Fee is payable;
- (b) an additional penalty of 20% added to the Licence Fee, if the Licensee does not pay the applicable Fee by April 1 in the calendar year in which the Fee is payable.

12.4 The receipt of a Licence by a Licensee shall be confirmation that the Licence has been renewed.

12.5 If a Licensee fails to renew the Licence, the Inspector may cancel the Licence.

13. Authority of Inspector

13.1 The Inspector may do any of the following in regards to a Licence:

- (a) grant or issue;
- (b) renew;
- (d) amend;
- (e) impose terms and conditions in respect to the granting, issuance, renewal or reinstatement of a Licence and require the Licensee to provide proof of compliance with the terms and conditions;

- (f) refuse;
- (g) cancel;
- (h) suspend;
- (i) revoke; or
- (j) reinstate.

13.2 Before the Inspector issues the Licence, the Inspector must be satisfied that the following requirements have been met:

- (a) the Applicant has paid the applicable Fee for the Licence;
- (b) the Applicant is in compliance with the requirements of the District's bylaws;
- (c) the Applicant has complied with provincial requirements as to professional trade or other qualification or for any applicable Provincial Certificate of Proficiency or qualification for a particular Business; and
- (d) if applicable, the Premises in or upon which the Applicant proposes to carry on any Business meets the standards set in the District's bylaws or applicable provincial acts and regulations.

13.3 The Inspector may:

- (a) classify a Business according to its type; or
- (b) classify each type of Business on the basis of any of the following factors or combination of factors;
 - (i) the number of people employed by the Business;
 - (ii) the number of machines used in the Business;
 - (iii) the number of rooms maintained; or
 - (iv) the zone in which the Business is located.

13.4 The Inspector may approve the content and form of any Application, form or document used to administer this Bylaw.

13.5 The following persons may enter, at any reasonable time, any Premises, motor vehicle or other place within the Municipality where a Business is carried on or in respect of which a Licence has been granted pursuant to this Bylaw to ascertain whether there is compliance with the provisions of this Bylaw:

- (a) the Inspector;
- (b) a police officer;
- (c) a peace officer;
- (d) a medical health officer;
- (e) a building inspector;
- (f) a member of the District's fire department; or
- (g) Licencing Officer
- (h) a person who, in the opinion of the Inspector, would have the knowledge, skill, or expertise relevant and necessary to make a determination as to matters pertaining to the Business at issue.

14. Cancellation of a Licence

14.1 (a) The Inspector may cancel a Licence for the following reasons:

- (i) failure to pay any Fee, penalties or any other charges;
- (ii) the Business is no longer in operation or in good standing under any applicable enactment;
- (iii) a Licensee requests the cancellation, in writing before the Licence is issued; or
- (iv) the Licensee of a suspended Licence does not meet the requirements stated in the notice of suspension within the stated time frame.

- (b) If the Inspector cancels a Licence pursuant to section 14.1(a)(iii), the District will refund the Fees paid for the Licence less a \$50.00 processing fee which will be retained by the District.
 - (c) No Fees will be refundable if the Inspector cancels the Licence pursuant to any other subsection of 14.1(a).
- 14.2 If the Inspector cancels a Licence, the Inspector must give notice to the Person who holds the Licence with the following information:
 - (a) the reason for the cancellation of the Licence; and
 - (b) the Person's right to appeal the cancellation to Council.
- 14.3 (a) The Inspector may post a notice of cancellation of the Licence on the Premises for which the Licence was issued.
 - (b) A Person must not remove the notice of cancellation of the Licence until:
 - (i) the Person ceases to occupy the Premises; or
 - (ii) a new Licence has been issued for the Premises.
- 14.4 The Inspector may reinstate a Licence that has been cancelled if the Person who previously held the Licence:
 - (a) pays any outstanding Fees owing for the Licence; and
 - (b) is in compliance with this Bylaw and any other enactments in respect of the Business, the Licence and the Premises.

15. Suspension or Revocation of a Licence

- 15.1 The Inspector may, for reasonable cause, do the following:
 - (a) suspend a Licence;
 - (b) issue additional terms and conditions on the Licence that relate to the reasons for the suspension and that will apply as a condition of reinstatement of the Licence; or
 - (c) revoke a Licence.
- 15.2 If the Inspector intends to take any of the actions listed in section 15.1, the Inspector must do the following:
 - (a) notify the Licensee of the intended action and the date on which the intended action will take place;
 - (b) give written reasons for the intended action;
 - (c) give the Licensee a copy of any written material relied upon by the Inspector to take the intended action.
- 15.3 Reasonable cause for suspension or revocation of a Licence shall include, but not be limited to, any of the following:
 - (a) the Licensee fails to comply with this Bylaw or a term or condition of the Licence;
 - (b) the Licensee is convicted of an offence under a municipal, provincial or federal enactment which relates to the nature of the Business or in respect of the Business;
 - (c) the Licensee is deemed, under the Offence Act, to have pleaded guilty to an offence under a bylaw in respect of the Business or with respect to the Premises named in the Licence.
 - (d) the Licensee ceases to meet the lawful requirements to carry on the Business or with respect to the Premises, for which the Licence was issued;
 - (e) the Licensee, in the opinion of the Inspector, has engaged in misconduct which warrants the suspension or revocation of the Licence, if the misconduct is:
 - (i) in respect of the Business; or
 - (ii) in or with respect to the Premises named in the Licence; or
 - (f) the Licensee, in the opinion of the Inspector, has
 - (i) conducted Business or performed a service in a manner that may be harmful or dangerous to the health or safety of another person actually or apparently

- under the age of 16; or
- (ii) sold, displayed for sale or distributed to a person actually or apparently under the age of 16 anything that may be harmful or dangerous to the health and safety of a person actually or apparently under the age of 16.

16. Reconsideration of the Decision

- 16.1 A Person whose Licence is subject to an action under section 15.1:
- (a) may appeal to Council to reconsider the decision of the Inspector;
 - (b) shall give written notice to the Corporate Officer of its intention to appeal the decision of the Inspector within 14 days from the date the action takes effect; and
 - (c) shall state in a concise manner the grounds upon which the appeal is based.
- 16.2 The Corporate Officer must:
- (a) refer the matter to Council;
 - (b) set the time and place for the hearing of the appeal; and
 - (c) give notice to the Person making the appeal the time and date of the hearing of the appeal.
- 16.3 Council has the same authority as the Inspector under this part of the Bylaw and may:
- (a) require any additional information that it considers relevant;
 - (b) hear from the Person whose Licence is subject to an action under section 15.1; or
 - (c) hear from any other person whom Council considers may have information that is relevant to the decision.
- 16.4 Council may do any of the following with regards to an action taken under section 15.1:
- (a) confirm the decision of the Inspector;
 - (b) vary the decision of the Inspector;
 - (c) set aside the decision of the Inspector; or
 - (d) impose additional terms, conditions, restrictions or requirements on the Licence that Council deems appropriate;
- 16.5 A Person shall:
- (a) not carry on a Business for which a Licence is required by this Bylaw during the period set out in the decision of the Inspector under section 15.1 regarding the Licence; and
 - (b) comply with any term, condition, restriction or requirement imposed by the Inspector or Council.

17. Additional Requirements for Specific Businesses

Bed and Breakfast

- 17.1 A Licensee for a Bed and Breakfast shall comply with the following requirements:
- (a) the principal use of the Premises must be for occupation by a single family;
 - (b) the Bed and Breakfast shall be confined to the principal dwelling unit on the Premises;
 - (c) the Licensee shall provide at least 1 parking space on the Premises for each guest room used;
 - (d) the Licensee shall provide locks on all outside doors of the Premises;
 - (e) the Licensee shall provide adequate lighting in the hallways of the Premises on each level and above any outside entry into the Premises; and
 - (h) the Licensee shall provide a sign which:
 - (i) does not exceed 0.185 square metres in size;
 - (ii) indicates the name of the Business; and

- (iii) is attached to the principal dwelling unit.
- 17.2 A Licensee for a Bed and Breakfast shall provide the following for each guest room:
- (a) a smoke alarm;
 - (b) a label with a number or name of the guest room indicated near the entrance door of the guest room;
 - (c) door locks which can be opened on either side of the door of the guest room;
 - (d) adequate lighting in the guest room; and
 - (e) a room rate card:
 - (i) as required by the Provincial government;
 - (ii) posted in a conspicuous location in the guest room; and
 - (iii) states the current rate for the guest room.
- 17.3 A Licensee for a Bed and Breakfast shall comply with the following requirements:
- (a) the Licensee shall occupy the principal dwelling unit;
 - (b) the Licensee shall be engaged in the operation of the Bed and Breakfast;
 - (c) the Licensee shall ensure that every person who is engaged in the preparation or handling of food and beverage must have successfully completed the first level of certification for food safety that is accepted by the health authority for the District;
 - (d) the Licensee shall carry adequate liability and property damage insurance specifically for Bed and Breakfasts and provide proof of valid insurance, if requested by the Inspector; and
 - (e) the Licensee shall comply with all municipal and provincial fire safety codes.
- 17.4 A Licensee for a Bed and Breakfast shall comply with the following requirements:
- (a) provide no more than 2 guest rooms to accommodate a maximum of 4 persons if the Bed and Breakfast is located in a Single Family Residential Bed and Breakfast Zone (RB1) as designated by the Zoning Bylaw;
 - (b) provide no more than 3 guest rooms to accommodate a maximum of 6 persons if the Bed and Breakfast is located in a Single Family Rural Residential Bed and Breakfast Zone (RRB1) as designed by the Zoning Bylaw;
 - (c) provide no more than 1 meal daily before noon to the persons renting the guest rooms;
 - (d) provide private or shared bathrooms for the guest rooms; and
 - (e) establish a cancellation, deposit and refund policy which is available upon request.

Retail Cannabis Sales

- 17.5 A licensee for Retail Cannabis Sales must comply with the following:
- (a) Meet all the Federal laws and Provincial licence terms and conditions for a retail store
 - (b) Meet District zoning requirements pertaining to the location of the Retail Cannabis Businesses.

No. 1399
9/10/2018

Commercial Landlord

- 17.6 A Licensee for commercial landlord shall comply with the following requirements:
- (a) As a condition of continuing to hold a business licence in respect of carrying on a business as a commercial landlord, no business licensee or business shall permit a commercial tenant, renter or temporary user to operate on the licensee or business's premises without a valid business licence.

No. 1390
14/5/2018

18. Escort Services

- 18.1 A Licensee for an Escort Service shall comply with the following requirements:
- (a) provide the Inspector with the following information about every person who is proposed to be employed by the Escort Service:
 - (i) name;
 - (ii) age;

- (iii) date of birth;
- (iv) current address;
- (v) Picture Identification;
- (vi) a current criminal record check for the person; and
- (vii) any additional information which the Inspector may require;
- (b) provide the Inspector with 48 hours written notice of any changes to the personnel employed or engaged in the Escort Service;
- (c) maintain for inspection by the Inspector or Peace Officer a written record of every service provided, with the name and current address of the person who received the service for a period of not less than 6 months after such service was provided;
- (d) not employ, offer the services of, or name an escort unless the escort is at least 19 years old and licensed as required;
- (e) not employ a person who has been convicted of an offence under the Criminal Code of Canada as evidenced by a criminal records check; and
- (f) not permit a person to contract for or request the services of an escort unless the person is at least 19 years old.

19. Farmers' Market

- 19.1 A Farmers' Market requires a Licence under this Bylaw and if a Licensee holds a Licence for a Farmers' Market, then persons who are participating in the Licensee's Farmers' Market are not required to hold a separate Licence, provided that the persons who are participating in the Farmers' Market comply with section 4.2(l).
- 19.2 A Licensee for a Farmers' Market shall comply with the following requirements:
- (a) obtain written permission from the owner of the Premises which allows the Farmers' Market:
 - (i) to be located on the Premises; and
 - (ii) to have access to the washroom facilities located on or adjacent to the Premises,
 - (b) provide a copy of the written permission from the owner of the Premises to the Inspector;
 - (c) comply with the Sign Bylaw;
 - (d) ensure that the vendors who Sell food products at the Farmer's Market have the necessary health permits and display the health permits at any space where the food products are sold;
 - (e) comply and ensure compliance by the persons who are participating in the Farmers' Market with any conditions, restrictions or requirements of the medical health officer, the District's fire department and the District's bylaw department;
 - (f) provide sufficient quantities of bear resistant garbage containers at the Premises where the Farmers' Market is located;
 - (g) ensure that all animal attractants are made inaccessible;
 - (h) pick up all garbage and debris, within 100 metres of their location, which is a result of the Business operation;
 - (i) satisfy the Inspector that the Farmers' Market will not create a traffic hazard or result in obstruction or other nuisance on District streets, sidewalks or access routes; and
 - (j) remove the Farmers' Market from the Premises daily upon the close of Business.

20. Itinerant Entertainment

- 20.1 A Licensee for Itinerant Entertainment shall comply with the following requirements:
- (a) hold the following insurance coverage for as long as the Itinerant Entertainment is carried on within the Municipality:
 - (i) comprehensive public liability insurance and property damage insurance providing coverage of at least \$5,000,000 inclusive against liability for bodily injury or damage to property on an all risk basis; and

- (ii) vehicle insurance for public liability insurance and property damage insurance providing coverage or at least \$1,000,000 inclusive on owned, non-owned or hired vehicles; and
- (b) provide proof of insurance upon request by the Inspector.

21. Massage Parlours

21.1 A Licensee for a Massage Parlor shall provide the Inspector with the following:

- (a) information about every person who is proposed to be employed by the Massage Parlour:
 - (i) name;
 - (ii) age;
 - (iii) date of birth;
 - (iv) current address;
 - (v) Picture Identification;
 - (vi) a current criminal record check; and
 - (vii) any additional information which the Inspector may require.
- (b) provide the Inspector with 24 hours written notice of any changes to the personnel employed or engaged in the Massage Parlour;
- (c) a floor plan of the entire Premises in such scale and detail as required by the Inspector at the time of Application or any time that there are alterations to the Premises; and
- (d) any additional information which the Inspector may require.

21.2 A Licensee for a Massage Parlor shall comply with the following:

- (a) ensure that every room used in the operation of Massage Parlour complies with the following conditions:
 - (i) be not less than 2.4 metres by 2.4 metres;
 - (ii) be free of any locking device; and
 - (iii) be equipped with lighting of at least 100 watts, which must remain illuminated when the room is occupied.
- (b) not employ or offer the services of any person unless that person is at least 19 years old and licensed as required;
- (c) not employ a person who has been convicted of an offence under the Criminal Code of Canada pertaining to the Business as evidenced by a criminal records check;
- (d) permit any person in the Premises unless that person is at least 19 years old;
- (e) permit any person to enter or remain in or on the Premises between the hours of midnight and 8:00 a.m.;
- (f) permit any person providing a massage or other service to be in the Premises unless that person is wearing clean, washable, non-transparent outer garments, covering their body between the neck and the top of the knees and sleeves which must reach the elbows;
- (g) not exhibit himself or herself, or permit another person to exhibit himself or herself in any window on or about the Premises;
- (h) not exhibit any sign in any window on or about the Premises or outside the Premises showing any nude male or female body or any body part or any printed words that indicate that the Premises is a place that offers any form of sexual or nude entertainment; or
- (i) provide service at any place other than the Premises listed on the Licence.

22. Portable Food Vendor

22.1 (a) Subject to subsection (b), only one Licence for a Portable Food Vendor shall be issued for each Parcel of land.

- (b) The above subsection does not apply to Parcels of land that are owned by the District.

22.2 A Licensee for a Portable Food Vendor shall comply with the following requirements:

- (a) shall obtain written permission from the owner of the Premises which allows the Portable Food Vendor:
 - (i) to be located on the Parcel; and
 - (ii) to have access to the washroom facilities located on or adjacent to the Premises, and
 - (iii) provide a copy of the written permission to the Inspector.
 - (b) shall provide sufficient quantities of bear resistant garbage containers at the location of the food vending, motor vehicle, cart or trailer;
 - (c) shall pick up all garbage and debris, within 100 metres of their location, which is a result of the Business operation.
 - (d) shall remove the motor vehicle, portable vending cart or trailer from the property daily upon the close of Business;
 - (e) may display one sandwich board sign in accordance with the Sign Bylaw;
 - (f) shall not operate within 6 metres of a fire hydrant;
 - (g) shall not operate directly outside of or within 100 metres of any Premises at which a Business that offers the same or similar items for sale as the Portable Food Vendor;
 - (h) shall not operate on a property designated as parkland or public property unless the District has given written approval.
- 22.3 A Licensee for a Portable Food Vendor shall comply with the following requirements for the Business's vending vehicles, carts or trailers:
- (a) not exceed 12 square meters in cross-sectional area;
 - (b) be capable of being moved on their own wheels without alteration or preparation or be towed by another vehicle;
 - (c) be fully self-contained with no service connection other than electrical service being required;
 - (d) be located no more than 2 metres from the point of electrical connection, if one is required;
 - (e) when in use,
 - (i) if on private property, located so as to not interfere with the flow of vehicles or pedestrian, or
 - (ii) if on public property, located not on a highway or boulevard;
 - (f) not interfere with or block any motor vehicle or pedestrian exit or walkway or vehicular sightlines;
 - (g) be kept in good repair;
 - (h) not located less than 1.5 metres from the vent of a building; and
 - (i) meet Provincial health and safety regulations.

23. Temporary Commercial Vendors

- 23.1 A Licensee for a Temporary Commercial Vendor shall comply with the following requirements:
- (a) obtain written permission from the owner of the Parcel which allows the Temporary Commercial Vendor to be located on the Parcel;
 - (b) when in use, be located other than on a highway, sidewalk or boulevard, except in required off-street parking spaces;
 - (c) not interfere with or block any motor vehicle or pedestrian exit or walkway or vehicular sightlines;
 - (d) pick up all garbage and debris, within 100 metres of their location, which is a result of the Business operation;
 - (e) not offer for sale any goods on the same Parcel for more than 8 days in any consecutive 30-day period;
 - (f) display the name and address in a conspicuous place;
 - (g) comply with any conditions by a health authority or the District's Fire Department;
 - (h) not operate within 6 metres of a fire hydrant;
 - (i) not operate directly outside of or within 100 metres of any Premises at which is located a Business that offers the same items for sale as the Temporary Commercial Vendor;

- and
- (j) not operate on a property designated as parkland or public property unless the District has given written approval.

24. Enforcement

- 24.1 A Person who does the following:
- (a) contravenes fails or violates any of the provisions of this Bylaw;
 - b) suffers or permits any act to be done in violation of this Bylaw;
 - (c) interferes with, obstructs or impedes the Inspector in carrying out his duties in accordance with this Bylaw.

commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months or both.

- 24.2 Each day that an offence continues shall constitute a separate offence.

25. Effective Date

- 25.1 This bylaw is effective as of the date of adoption.

READ a first time this 12th day of September, 2016.

READ a second time this 12th day of September, 2016.

READ a third time this 12th day of September, 2016.

ADOPTED this 11th day of October, 2016.

I hereby certify the foregoing
to be a true and correct copy of
District of Mackenzie Bylaw
No. cited as "Business Licence
Bylaw No. 1355, 2016."

Mayor

Corporate Officer

Corporate Officer

Schedule A
Business Licence Fees

Category One – Automotive Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$127.00

A Category One Business deals primarily with automobile and associate automotive services including but not limited to the following:

- Automobile dealer for all types of vehicles
- Automotive repair
- Automobile services
- Parking lot
- Tire sales and services
- Towing and wrecking
- Vehicle rentals
- Wheel alignment

Category Two – Construction and Building and Land Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

Less than 5 employees: \$128.00
5-10 employees: \$150
11-50 employees: \$300
Over 50 employees: \$620

A Category Two Business deals primarily with construction, repair, renovation, and maintenance of buildings and engineering works and in subdividing and developing land including but not limited to the following:

- Blasting
- Carpet cleaners
- Chimney sweep
- Contractors of all types
- Explosives and demolition
- Interior decorating
- Landscaping
- Nursery
- Painters
- Rug and upholstery cleaners
- Sign makers
- Window cleaning
- Welder
- Woodworker

Category Three – Financial and Insurance Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

Less than 5 employees: \$300.00

5-10 employees: \$450.00

11-50 employees: \$600.00

Over 50 employees: \$750.00

A Category Three Business deals primarily with financial transactions or insurance services including but not limited to the following:

- Banks and credit unions
- Bank machines not adjacent to or part of the premises of a financial institution
- Bond company
- Broker
- Collection agency
- Finance company
- Insurance adjuster
- Insurance agent
- Investment company
- Investment dealer
- Money lenders and pay day loan companies
- Pawnbroker
- Trust and loan company

Category Four - General Business Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$104.00

A Category Four Business deals primarily with businesses that do not fall under any other category including but not limited to the following:

- Advertising agent
- Agent
- Appliance repair
- Appraiser
- Auctioneer
- Bookkeeping
- Business office
- Cartography
- Cleaning, dyeing or laundry plant
- Cleaners agent or branch office
- Computer services
- Consultant
- Drafting or design services
- Driving school
- Funeral parlour or crematorium
- Importing or exporting
- Janitorial services
- Kennel
- Locksmith
- Marketing
- Newspaper publication
- Pet services including grooming and training
- Printer
- Photographer
- Private patrol
- Repair services (general)
- Second hand dealers
- Shoe repair
- Stenographer
- Tailor
- Travel agent
- Watch repair

Category Five – Hospitality, Accommodations and Entertainment

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$159.00

Hotels, motels or inns with up to 20 rooms must pay **\$159.00**. Hotels, motels or inns with more than 20 rooms must pay **\$159.00** plus **\$3.00** per each room exceeding 20 rooms.

A Category Five Business deals primarily with hospitality, accommodations and entertainment services including but not limited to the following:

- Apartments
- Bed and breakfast
- Billiards room
- Bowling alleys
- Cabaret, Night Club
- Carnival
- Caterers
- Circus or shows
- Concert or meeting hall
- Concession stand
- Disc Jockey
- Entertainment facility
- Golf course
- Hotel, motel or inn
- Radio or tv station
- Restaurant
- Theatre
- Townhouses

Category Six – Manufacturing and Industrial Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

Less than 5 employees: \$128.00
5 to 10 employees: \$150.00
11 to 50 employees: \$300.00
More than 50 employees: \$620.00

A Category Six Business deals primarily with manufacturing or processing and offering for sale goods wares or merchandise including but not limited to the following:

- Bulk fuel plant
- Equipment dealer – selling or renting
- Heating fuel dealer
- Machinist
- Manufacturer
- Quarry
- Planer mill
- Pulp mill
- Sawmill
- Shingle or shake mill
- Scavenger
- Storage area
- Truss mill
- Warehousing

Category Seven – Personal Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$80.00

A Category Seven Business deals primarily with services for the physical or mental wellbeing of an individual or for personal items of an individual including but not limited to the following:

- Aesthetician
- Barbers
- Business school
- Commercial day care
- Counselling services
- Dance school
- Day spa
- Family day care
- Fitness instructor
- Hairdresser
- Health spa or private gym
- Massage therapist
- Music teacher
- Preschool
- Private teacher or tutor
- Reflexologist
- Tattoo parlour
- Trades school

Category Eight – Professionals

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$144.00 per professional

A Category Eight Business deals primarily with professional occupations which are regulated by the province including but not limited to the following:

- Accountant
- Architect
- Barrister and solicitor
- Chiropractor
- Dentist
- Dental technician
- Doctor
- Engineer
- Financial planner
- Home inspection
- Land surveyor
- Optometrist
- Orthodontist
- Osteopathy
- Psychiatrist
- Psychologist
- Radiologist
- Veterinarian

Category Nine – Real Estate and Property

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

\$197.00

No. 1390
23/4/2018

A Category Nine Business deals primarily with real estate or property services including but not limited to:

- Property manager
- Real estate agent
- Commercial Landlord

Category Ten – Sales

A business must pay the following fee for carrying on any of the below businesses or similar type of business.

Less than 5 employees: \$127.00

5-10 employees: \$150.00

11-50 employees: \$300.00

Over 50 employees: \$620.00

A Category Ten Business deals primarily with retail sales or wholesale of various goods or items to others including but not limited to:

- Farmers' market
- Junk dealers
- Outdoor market
- Peddler
- Retail store
- Second hand dealers
- Temporary commercial vendor
- Wholesaler

- Portable food vendor

Category Eleven – Transportation Services

A business must pay the following fee for carrying on any of the below businesses or similar type of business. **\$140.00**

A Category Eleven Business deals primarily with the transportation or movement of people or goods and associated services including but not limited to:

- Boat builder
- Boat charter
- Boat marina
- Boat rentals
- Bus charters
- Charter and scheduled airlines
- Couriers
- Freight and transportation companies
- Taxi, or limousines
- Transportation company

Category Twelve – Specialty Businesses

A business must pay the following fee for carrying on any of the below businesses.

- Non-profit society **\$0**
- Campground or Tenting ground **\$159.00**
- Escort services **\$1,105.00**
- Itinerant Entertainment **\$100.00** per week in operation
- Massage parlour **\$1,105.00**
- Mail order business **\$776.00**
- Retail Cannabis Sales **\$1,000 (\$500 for renewal)**
- Private entertainment **\$1,105.00**
- Seasonal Food Vendor **\$65.00**
- Trailer court **\$620.00**
- Unclassified business **\$125.00**
- Vending machine **\$30.00** for each machine

Schedule B



District of Mackenzie

Business License Application

Bag 340, 1 Mackenzie Blvd, Mackenzie BC, V0J 2C0 (250)997-3221

APPLICATION FOR (CHECK ALL THAT APPLY)		
<input type="checkbox"/> New Business <input type="checkbox"/> Change of Ownership <input type="checkbox"/> Change of Address <input type="checkbox"/> Change of Name		
BUSINESS NAME		
Business start date: _____		
Business incorporated <input type="checkbox"/> YES <input type="checkbox"/> NO Year: _____		
BUSINESS LOCATION ADDRESS		
BUSINESS MAILING ADDRESS		
Business phone: _____		Email: _____
Business Fax: _____		Website: _____
OWNER NAME & ADDRESS		
Owner Phone: _____		Owner email: _____
Owner Fax: _____		Cell: _____
PRINCIPLE OPERATORS/LOCAL MANAGER OF BUSINESS:		
Phone: _____		Email: _____
Fax: _____		Cell: _____
PROPERTY OWNERS: (if different than business owner)		
Phone: _____		
BUSINESS BYLAW CATEGORY (CHECK ALL THAT APPLY)		
<input type="checkbox"/> AUTOMOTIVE SERVICES	<input type="checkbox"/> CONSTRUCTION & BUILDING & LAND SERVICES	<input type="checkbox"/> FINANCIAL & INSURANCE SERVICES
<input type="checkbox"/> GENERAL BUSINESS SERVICES	<input type="checkbox"/> HOSPITALITY, ACCOMODATIONS & ENTERTAINMENT	<input type="checkbox"/> MANUFACTURING & INDUSTRIAL SERVICES
<input type="checkbox"/> PERSONAL SERVICES	<input type="checkbox"/> PROFESSIONALS	<input type="checkbox"/> REAL ESTATE & PROPERTY
<input type="checkbox"/> SALES	<input type="checkbox"/> TRANSPORTATION SERVICES	<input type="checkbox"/> SPECIALTY BUSINESSES

BUSINESS CONDITIONS	
Number of people employed: (include working owners) Full time: _____ Part time: _____ Rental units/services spaces provided: _____	Trades qualification certificate # _____
<p>I, _____ hereby make application for a Business License in accordance with the information stated above, and declare that the above information is true and I agree that if the license applied for is approved, I will comply with all the regulations, laws and bylaws now in force or which may come into force within the District of Mackenzie. I further understand that if any of the above factors change, I am under obligation to notify the License Inspector in writing of the change(s) and that I may be required to re-apply for a business license. I also understand that if this location involves the use of premises for business purposes that they may not be occupied until they have been inspected and a license issued.</p>	
<p>I give permission for my business to be listed in a promotional business directory and online by the District of Mackenzie</p> <p style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> No </p> <p>Signature of Applicant: _____ Date: _____</p> <p>I further understand that the District is subject to the <i>Freedom of Information and Protection of Privacy Act</i> of British Columbia and any information I provide to the District in connection with this application and a business licence shall be subject to that statute.</p>	

OFFICE USE ONLY			
DEPARTMENT	YES	NO	SIGNATURE OF APPROVAL
FIRE DEPARTMENT APPROVAL REQUIRED			
BUILDING INSPECTOR APPROVAL REQUIRED			
BUILDING PERMIT REQUIRED			
PLANNING APPROVAL REQUIRED			
COUNCIL APPROVAL REQUIRED			

LICENSE INSPECTOR FINAL APPROVAL	
_____ Licensing Officer	_____ Date

Business License #:	Processing date:	Fee (if prorated, include percentage):
---------------------	------------------	--