

# DISTRICT OF 100 MILE HOUSE BUSINESS LICENSE BYLAW NO. 1252, 2013

A bylaw to authorize the issuance of business licenses and business regulations for the collection of such business fees.

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WHEREAS the Community Charter authorizes Council to regulate in relation to business, to prohibit any activity or thing until a business license has been granted, to provide for the granting, refusal, suspension and cancellation of license and to establish time periods, terms and conditions of a license.

NOW THEREFORE Council for the District of 100 Mile House, in open meeting assembled, hereby enacts as follows:

## **SECTION 1. INTRODUCTION**

### **Citation**

1.1 This Bylaw may be cited for all purposes as "*Business License Bylaw No. 1252, 2013.*"

### **Repeal and Transition**

1.2 The "*District of 100 Mile House Business License Bylaw No. 850, 2000,*" and all amendments therefore are repealed.

1.3 Any business license issued under the former Bylaw that has not expired on the date that this Bylaw comes into force and effect are deemed to have been issued under this Bylaw, and expire on December 31, 2013 or such earlier date as may be specified in the license.

### **Interpretation**

1.4 Except as otherwise defined in Schedule A to this Bylaw, words and phrases herein are to be construed in accordance with their meanings under the *Community Charter* and the *Interpretation Act*, as the context and circumstances require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Headings are for conveniences only and must not be construed as defining or in any way limited the scope or intent of this Bylaw. If any part of this Bylaw is held as being invalid by a court of competent jurisdiction, the invalid parts is severed and the remainder is deemed to have been enacted without the invalid part.

## **Application**

- 1.5 This Bylaw applies to all business activity in or from premises within the District, except in relation to activity carried on:
- (a) by the government of Canada or its agents, corporations or persons acting for or on behalf of the Federal government;
  - (b) by the Province of British Columbia or its agents, corporations or persons acting for or on behalf of the Province;
  - (c) by the District or another local government or by an agent, corporation, or person acting for or on behalf of the District or other local government;
  - (d) by a person on an Indian Reserve, by an Indian Band within the meaning of the *Indian Act* (Canada), or by an Indian Band organization composed exclusively of Indian Bands or other person employed to act for or on behalf of the Indian Band.

## **No Warranty or Representation**

- 1.6 The issuance, renewal or continuation of a license, or of terms or conditions imposed by the District in relation to a license, is not and must not be construed as a guarantee, warranty, assurance or other representation by the District or the License Inspector that the owner, operator or business complies with this Bylaw or other applicable laws, enactments, or occupational, trade or professional standards. Responsibility for meeting all legal requirements and standards, and for carrying on business in a reasonable and safe manner, rests entirely with the licensee, owner, operator or other person engaged in or responsible for the business activity.

## **SECTION 2. AUTHORITY OF LICENSE INSPECTOR**

- 2.1 The following officers of the District of 100 Mile House are designated as "License Inspectors" for the purpose of issuing business licenses and/or administering and enforcing the provisions of this bylaw:
- (i) CAO or Deputy
  - (ii) Corporate Officer or Deputy

2.2 The License Inspector may, in accordance with this Bylaw:

- (a) issue a license when he or she is satisfied that the applicant has complied with the requirements of the regulations governing building, zoning, fire, health, sanitation and business;
- (b) refuse, suspend or cancel a business license for reasonable cause.

### **SECTION 3. LICENSE REQUIREMENTS**

#### **Restriction**

3.1 A person must not operate a business within the District except in accordance with this Bylaw and, unless exempted in this Bylaw, in accordance with a valid and current license issued by the License Inspector for that business.

#### **Exemptions**

3.2 A license is not required for the following activities:

- (a) a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose.
- (b) a performance, concert, exhibition, entertainment or concession that is held in a licensed theatre or other licensed place.
- (c) a business of letting or renting rooms if not more than 2 rooms are available for letting or renting.
- (d) commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business.
- (e) 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.
- (f) wholesalers, manufacturers, or processors who are only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicles to merchants for resale by them in the ordinary course of their businesses.
- (g) persons practicing a profession governed by a special Act, unless they regularly and generally carry on business in the municipality.

- (h) Non-profit organizations are not required to obtain a business license but will be required to register with the District.

### **Applications and Information**

- 3.3 Every person applying for a license or a transfer of license shall complete the District Business License Application form. Applications may be signed by the owner or his duly authorized representative.
- 3.4 Any person making an application for a license shall give true and correct details for the business that the license is being applied for, on the application form supplied by the District. Any false declaration or concealment of material facts shall be deemed an infraction of this Bylaw and shall be liable to the penalties set forth in Section 6.3.
- 3.5 For the purpose of this Bylaw, where a business is carried on, in or from more than one premises, the business carried on, in or from each premises shall be deemed a separate and distinct business.
- 3.6 Where more than one business with separate and/or different owners is carried on, in or from a single premise, each separate business requires a business license.
- 3.7 Where more than one business is operated by one owner in or from a single premise, a business license shall be required for the principal business only.
- 3.8 Off-premises sales are permitted where an existing business is carried on from a fixed premise in the District and the business wishes to independently carry on for a temporary period of time from a commercial premise or on municipal property, as per section 5.47.

### **Term of License and Renewal**

- 3.9 A license shall be valid for the year in which it is obtained unless it has been cancelled.
- 3.10 In order to continue to operate a business beyond the term of its license, a licensee must renew the license by paying the applicable license fee. For every license renewal the fee must be paid before January 31<sup>st</sup> of each and every year that the business activity continues.
- 3.11 License fees that remain unpaid after January 31<sup>st</sup> will be treated as a new application and the appropriate fees shall apply.

### License Fees

- 3.12 Except where otherwise stated, in any section of this bylaw, the fees payable for a new Business License for the first calendar year of the application will be **One Hundred and Twenty Dollars (\$120.00)**, which fee will be reduced to **Eighty Dollars (\$80.00)** in the second and subsequent calendar years. The full fee is to be paid at the time the initial application is submitted to the License Inspector; 50% shall be returned to the applicant if such application is rejected.
- 3.13 The fees payable for a Business License for the first calendar year of the application will be **Eighty Dollars (\$80.00)**, where a person submits an application and commences business after July 31<sup>st</sup> of the given calendar year. The full fee is to be paid at the time the initial application is submitted to the License Inspector; 50% shall be returned to the applicant if such application is rejected.

### Transfers

- 3.14 Where a business has transferred ownership, upon sale, a Transfer of License Application must be approved by the License Inspector and the appropriate fees paid.
- 3.15 Where a business has transferred location, a Transfer of License Application must be approved by the License Inspector and the appropriate fees paid.
- 3.16 **The Business License Transfer Fee shall be \$ 35.00.**
- 3.17 Where only the name of the business has changed (ownership and location remains the same) the fee shall be **\$ 10.00.**

### Display of License

- 3.18 The license holder or person in charge of the premises wherein the business is practiced, shall at all times keep the Business License prominently displayed in the sales or reception area of the premises to which the public has access, or in an area designated by the License Inspector.
- 3.19 Upon the termination of the business operations by the license holder, the license holder shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector.

## **SECTION 4. GENERAL REGULATIONS**

### **Inspections**

4.1 Without limiting section 2.2, the License Inspector or a Bylaw Enforcement Officer may, at reasonable times and in a reasonable manner, enter on or into a property, building, structure, or other premises where business is or appears to be carried on to inspect and determine whether all restrictions, conditions and requirements under this Bylaw or another applicable enactment are being met.

### **Terms and Conditions by License Inspector**

4.2 The License Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a license for the purpose of addressing any concern or obstacle to the reasonable operation of the business, including issues of safety, health, nuisance, crime prevention or reduction, security of persons or property, and otherwise for compliance with this Bylaw or other applicable enactments.

### **Suspension or Cancellation of License**

4.3 A business license may be suspended or cancelled for reasonable cause. Without limiting subsection 4.3, any of the following circumstances may constitute reasonable cause:

- (a) the holder fails to comply with a term or condition of the license;
- (b) the holder is convicted of an offence indictable in Canada;
- (c) the holder is convicted of an offence under an Act or municipal bylaw in respect of the business for which the holder is license or with respect to the premises named in the license;
- (d) the holder is deemed, under this Act or the *Offence Act*, to have pleaded guilty to an offence referred to in section 4.3(c).
- (e) the holder has ceased to comply with a bylaw or has otherwise ceased to meet the lawful requirements to carry on the business for which the holder is licensed or with respect to the premises named in the license;
- (f) in the opinion of the Council, the holder has engaged in misconduct that warrants the suspension or cancellation of the license, if the misconduct is:
  - i. in respect of the business
  - ii. in or with respect to the premises named in the license, or

- iii. in respect of that business or another business, or in or with respect to the premises of that business or other business, carried on by the holder inside or outside the municipality.
- 4.4 The suspension of a license by the License Inspector shall be made by notice in writing signed by the License Inspector and served on the person holding such license or delivered to the holder of such license by registered mail to the address given by the Licensee on the application for license.
- 4.5 Any person whose license has been suspended under section 4.3 may appeal to the District Council, and upon appeal, the Council may confirm or may set aside the suspension on such terms as Council may think fit.
- 4.6 The License Inspector is authorized to grant a license if, in his or her opinion he or she is satisfied that the applicant has complied with the requirements of the bylaws of the District regulating building, zoning, health, sanitation and business. In cases where the License Inspector is not satisfied that the applicant has complied with the requirements of the aforementioned bylaws, the License Inspector may refuse to grant a license.
- 4.7 Notwithstanding anything contained in this bylaw, District Council may, on the affirmative vote of at least two-thirds (2/3) of its members, refuse in any particular case to grant the request of an applicant for new or renewed Business License; however, the granting or renewal of a license must not be unreasonably refused.

## **SECTION 5. SPECIFIC BUSINESS REGULATIONS**

### **Adult Services – Escort Service; Body Rub Parlor**

- 5.1 Every person carrying on the business of or operating an *Escort Service* or *Body Rub Parlor* shall:
- (a) supply the License Inspector, at the time of application, with the name, age, birth date, and address of every person proposed to be employed or engaged as a shareholder in the said business;
  - (b) supply the License Inspector, at the time of application with an official passport, photograph of every person proposed to be employed or engaged as a shareholder in the said business, with the date that the photograph was taken and the name and address of the photographer stamped on the back;
  - (c) notify the License Inspector within forty-eight (48) hours of any change in the personnel employed, or the shareholders engaged, in the said business;

- (d) maintain to the satisfaction of the License Inspector a written record of every request to provide a service or furnish an escort, giving the name and address of the person requesting the service together with the name of the person recommended to provide the service;
  - (e) ensure that all persons employed by or engaged in the said business are bonded in accordance with the *Bonding Act* prior to commencing any work on behalf of said business;
  - (f) ensure that any person employed by or engaged in such business wears, while providing a service, a distinguishable and clearly visible name tag that includes the name of the business and the name of the employee; and
  - (g) not operate the said business between the hours of 8:00 p.m. and 8:00 a.m. of the following day.
- 5.2 The premises of a *Body Rub Parlor* must meet the requirements of the *Health Act* of British Columbia with respect to personal service establishments.
- 5.3 Any person, while operating or employed in a *Body Rub Parlor* must be clothed in clean, washable, non-transparent, outer garments that cover the body between the neck and the knee.
- 5.4 **The Business License fee for an Escort Service and a Body Rub Parlor shall be One Thousand Dollars (\$ 1,000.00).**
- 5.5 The provisions of this section do not apply to licensed and certified massage and physical therapists who are certified under the appropriate Provincial and/or Federal legislation.

### **Carnivals and Circuses**

- 5.6 No Business License shall be issued for a *Carnival* or *Circus* until the applicant has deposited with the License Inspector a policy of comprehensive liability insurance which should be in the amount of Five Million Dollars (\$ 5,000,000.00) to cover bodily injury, death and property damage, including the loss of use of such property. Such policy of insurance shall name the District of 100 Mile House as an additional insured and state that it applies to each insured in the same manner and to the same extent as if a separate policy has been issued to each.
- 5.7 **The Business License fee for a Carnival or Circus shall be One Hundred and Seventy Five Dollars (\$ 175.00) per day.**



### **Taxis, Shuttles and Limousine**

- 5.8 A Business License for a *Taxi, Shuttle or Limousine* company shall be issued by the District on the basis of one license for the company. At the time of application, the applicant shall supply the License Inspector with details of the company's Motor Carrier Authority (unless only operating within District limits) and current liability insurance.
- 5.9 At the time of application, the applicant shall provide the License Inspector with the details of each vehicle's registration. Once a license has been issued, the license holder shall inform the License Inspector of any changes in the number and/or types of vehicles being used, and shall provide the specific vehicles' registration details.
- 5.10 Every vehicle operating under a licensed *Taxi* company shall have:
- (a) an illuminated sign that states the Company's name and/or the word "Taxi" and that complies with the requirements of the *Motor Vehicle Act*;
  - (b) lettering, on both sides of the vehicle, that is at least five (5) centimeters high, that states the company's name and that includes the word "Taxi"; and
  - (c) clear, fully-transparent windows that are free of stickers, signs and other items which may impair the view from the outside into the vehicle.
- 5.11 Every vehicle operating under a licensed *Taxi, Shuttle or Limousine* company shall have a clean interior and be in good repair.

### **Arcades, Amusement Establishments and Billiard/Pool Halls**

- 5.12 *Arcades, Amusement Establishments and Billiard/Pool Halls* are identified as such if amusement machines are installed on the premises.
- 5.13 Slot machines, gaming tables and other equipment which are licensed by the Provincial Government are not considered *Amusement Machines* in this bylaw.
- 5.14 This section of the bylaw does not apply to businesses which have Amusement Machines on their premises if the Amusement Machines are incidental to the principal use of the premises.
- 5.15 No operator of an *Arcade, Amusement Establishment or Billiard/Pool Hall* shall allow any person under the apparent age of sixteen (16) years to enter or be in said business after 9:00 p.m. on any day, except when such person is accompanied by his parent or a responsible adult.

- 5.16 No operator of an *Arcade, Amusement Establishment* or *Billiard/Pool Hall* shall operate said business between the hours of 12:00 a.m. and 10:00 a.m. Monday through Saturday, and between the hours of 9:00 p.m. and 11:00 a.m. on Sundays.
- 5.17 The interior of every *Arcade, Amusement Establishment* and *Billiard/Pool Hall* shall be fully visible from the windowed exterior of the premises, unobstructed by paint, murals, drapes, dark lighting or tinted glass.
- 5.18 No alcohol shall be allowed on the premises of an *Arcade, Amusement Establishment* or *Billiard/Pool Hall* unless permitted by the Provincial Liquor Control and Licensing Branch.

### **Second-Hand Dealers and Pawnbrokers**

- 5.19 Every Second-Hand Dealer and Pawnbroker shall keep a register and shall clearly record in that register the following information on each item at the time the item is received:
- (a) a reference number unique to the item;
  - (b) the make, model, serial number and description of the item;
  - (c) the amount paid for the item;
  - (d) the time and date of receipt of the item;
  - (e) the full name, residential or business address and full description of the person from whom such articles, goods or things were purchased or received, along with the number and expiration date from one of the following picture identifications: a passport, a driver's license, or a British Columbia Identification (BC ID) card;
  - (f) the full signature of the person from whom the articles, goods or things were purchased or received; and
  - (g) the make, model and Provincial License Plate of the motor vehicle used by the person from whom such articles, goods, or things were purchased or received, for the purpose of delivering the articles, goods or things.
- 5.20 The register shall be the permanent record and the operator responsible shall ensure that it is not destroyed, defaced or mutilated. No entry which has been made shall be erased or obliterated. The register shall be open to inspection by members of the RCMP Detachment and by the District Bylaw Enforcement Officer at all times during business hours.

- 5.21 Every operator shall forthwith upon demand being made by any member of the RCMP Detachment provide, during business hours any and every article requested which has been received or acquired by the business.
- 5.22 No operator shall alter, sell, exchange or otherwise dispose of any item which has been received or acquired by the business within seven (7) days of receipt or acquisition.
- 5.23 No operator shall allow any item to be removed from the premises within seven (7) days of the date of receipt or acquisition, unless such item is removed by a member of the RCMP Detachment.
- 5.24 Every operator under this category, or their employee or agent, shall on the Saturday of each and every business week, compile and sign a true and accurate report of all articles received or acquired during such business week. Such report shall be delivered, in the form required by the License Inspector, to the Non-Commissioned Officer of the 100 Mile House RCMP Detachment by 10:00 a.m. of the 1<sup>st</sup> business day of the following week.
- 5.25 Every operator under this category shall ensure that his premises are maintained in an orderly and safe condition, and shall ensure that no part of the premises are unsightly.
- 5.26 This section of the bylaw does not apply to operators of second-hand art and book shops, second-hand clothing stores and not for profit thrift stores.

**Mobile/Street Vendor**

- 5.27 A mobile/street vendor shall park his vehicle, portable stand, cart or other conveyance only on privately-owned property for which he has obtained written permission of the property owner and tenant or such other persons duly authorized to give such permission. Such conveyance shall have his name and address marked in a conspicuous manner on both sides.
- 5.28 Every mobile/street vendor who sells any commodity by its weight, shall have available and use a weigh scale capable of accurately weighing any such commodity.
- 5.29 A Health Permit is required for the selling of perishable foods (ie: foods containing meat, poultry or dairy products).
- 5.30 Every mobile/street vendor shall ensure that the business does not obstruct the free movement of pedestrians and traffic, as applicable.
- 5.31 Every mobile/street vendor shall ensure that any and all litter, refuse or garbage generated by the business be disposed of appropriately, and that the space is maintained and left in a safe, clean and sanitary condition.

5.32 **The Business License fee for a Mobile/Street Vendor shall be Two Hundred Dollars (\$200.00).**

**Canvasser (Door to Door Sales)**

5.33 Every person who engages in canvassing for profit must apply for a separate Business License.

5.34 Prior to each canvassing exercise, the operator or agent of the business must provide the following details to the License Inspector:

(a) a list and description of the products or services being sold;

(b) the time period for the canvassing exercise;

(c) the target area;

(d) a list of all individuals involved in canvassing

5.35 All individuals engaged in canvassing must have personal photo identification, complete with the name of the business and a contact telephone number, affixed to their persons in a plainly visible place.

5.36 No operator or employee of a business engaged in for-profit canvassing shall visit any residence between the hours of 8:00 p.m. to 8:00 a.m. for the purpose of selling products or services of any kind, unless a previous appointment has been made for a visit.

5.37 **The Business License fee for Canvassers shall be Two Hundred Dollars (\$ 200.00).**

**Gambling/Gaming Establishments**

5.38 **The Business License fee for Gambling/Gaming Establishments shall be One Thousand Dollars (\$ 1,000.00).**

**Rentals & Lodging**

5.39 For any person offering for rent or lease of lodging, where more than 2 rooms are available for letting or renting.

Apartment Houses	\$ 5.00 per unit
Boarding/Rooming Houses	\$ 2.00 per unit
Motel-Motor Hotel	\$ 5.00 per unit
Hotel	\$ 2.00 per room
Hotel-Coffee House, Dining Room, Banquet Room, Beer Parlor, Liquor Lounge	\$ 50.00 each

**5.40 Minimum Business License Fee for Rentals & Lodging shall be Eighty Dollars (\$ 80.00).**

5.41 The above noted rates will apply to new or existing Business Licenses. License fees that remain unpaid after January 31<sup>st</sup> of any given year, will be cancelled and a new license will be charged out at the appropriate rates, as calculated above, plus 50%.

**Off-Premises Sales**

5.42 Off-premises sales are permitted subject to the conditions outlined in the bylaw.

5.43 Off-premises sales are permitted only in areas zoned, C-2, C-3, C-4 and C-7.

5.44 Off-premises sales are restricted to a maximum of three (3) days per event.

5.45 If the off-premises sales are held on privately-owned property, written permission of the property owner and tenant or such other person duly authorized to give such permission should be obtained and a copy shall be provided to the District of 100 Mile House prior to the event.

5.46 Where an existing business is carried on from a fixed premise in the District and the business wishes to independently carry on for a temporary period of time from a commercial premise or on municipal property, the following fee will apply:

**\$ 100.00 per event**

5.47 A business may only operate on municipal property with written approval from the District of 100 Mile House. Any person or business, seeking a license to conduct business on municipal property, must obtain liability insurance in the amount of Five Million Dollars ( \$5,000,000.00) for personal injury, death and property damage, as well as (if applicable), vehicle insurance. The liability insurance must contain a clause indemnifying the District from liability in the event of injury or damage being done to any person or property as a result of any activity of the business, and contain a clause that the insurance cannot be terminated without a thirty day notification of such to the District of 100 Mile House. Proof of such insurance must be submitted to the satisfaction of the Director of Financial Administration or License Inspector prior to the granting of a license.

5.48 Applications that are refused by the License Inspector will be forwarded to Council for reconsideration if written request is received in the Municipal Office within ten (10) days of refusal of the license.

**Buskers**

5.49 All Buskers require a Busking Business License each year to perform. A *Busking Business License Application Form* must be completed and authorized by the License Inspector.

5.50 The Busking Business License fee shall be as follows:

- |   |                    |
|---|--------------------|
| <b>(a) Seasonal License (May 1<sup>st</sup> to September 30<sup>th</sup>)</b> | <b>\$ 15.00</b>    |
| <b>(b) Temporary License (for a maximum of 3 days)</b>                        | <b>\$ 3.00/day</b> |

5.51 Busking Business Licenses are not transferrable and must be displayed by the performer at all times while performing. Performing without a Busking Business License will be subject to a **\$100.00** fine.

5.52 Busking is only permitted in areas zoned: C-1, C-2, C-3, C-4, C-5, C-7, P-1 and P-4.

5.53 All Buskers must follow the Buskers Code of Conduct:

- (a) Entertainers will not perform so close to another performer as to interfere with the other's performance.
- (b) Entertainers must locate themselves and their audience where they are not obstructing the flow of pedestrian traffic or any business entrance.
- (c) Entertainers will respect the right of businesses to operate without undue disturbance and will conduct themselves accordingly.
- (d) Performers must be of good conduct and character while performing.

5.54 Performers shall not occupy any one location for more than two hours at a time in any six-hour time period.

5.55 Busking is only permitted between the hours of 9:00 a.m. and 8:00 p.m.

5.56 Performers must abide by all municipal bylaws and all Federal and Provincial statutes and regulations while performing.

5.57 Amplification of performances, the use of drums (other than hand drums), recorded or broadcast music is not permitted.

- 5.58 Performers are permitted to encourage donations by way of displaying a hat, can, musical case, or any similar type of container, however they may not sell material or other merchandise.
- 5.59 Buskers may perform on privately-owned property for which they have obtained written permission of the property owner and tenant or such other persons duly authorized to give such permission. Such conveyance shall have his name and address of the property owner and tenant marked on the written permission.
- 5.60 The District's Bylaw Enforcement Officer, or any person directed under the authority of the License Inspector, may
- (a) issue a ticket for a fine;
  - (b) request Buskers to obtain a license;
  - (c) request Buskers to conform with the regulations of Busking as set out in the Business License Bylaw.

#### **Farmer's Market**

- 5.61 **The Business License fee for a Farmer's Market shall be Eighty Dollars (\$ 80.00).**
- 5.62 Each location is deemed to be a separate market and a license will be required for each market location.

#### **Special Events**

- 5.63 A business entity must complete the "*Business License Application for Special Events*" to obtain a valid business license for the location where a special event is to be held or conducted, except in the case where the location is occupied by a not-for-profit entity which is not required to hold a business license for the location.
- 5.64 A business license for each user, occupier, or vendor is not required if the organizer of the special event holds a valid business license for that location, or if the organizer is a not-for profit entity which continuously and legally occupies the location, whether or not they are required to hold a valid business license for that location.
- 5.65 The License Inspector may waive the license fee for a special event where the organizer is a not-for-profit organization and the purpose of the event is to raise funds for charitable purposes.
- 5.66 **The Business License fee for Special Events shall be One Hundred Dollars (\$ 100.00) per event.**

**Cannabis Retail Store License Regulations - (Bylaw No. 1350)**

- 5.67 A requirement of this bylaw pertaining to Cannabis Retail Stores does not abrogate the applicant of any other requirements contained herein that are generally applicable to all businesses.
- 5.68 A business license for Cannabis Retail Store is required whether the Cannabis store operates for profit or not for profit basis.
- 5.69 A business license will only be issued once an “approval in principle” is received from the Province and the District has provided a favorable resolution to the LCRB. The business license will be issued on the condition that the LCRB provides final approval.
- 5.70 The *Cannabis Control and Licensing Act* defines regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. and it is the responsibility of the licensee to be aware of and to operate in compliance with these rules.
- 5.71 Licensees are also responsible for knowing and complying with any Federal, Local Government and/or Indigenous Nation laws, bylaws and requirements.
- 5.72 A Cannabis Retail Store must not:
- a) advertise or promote the use of cannabis to a person under the age of 19;
  - b) allow a person to smoke, vape, consume or otherwise ingest Cannabis or products containing Cannabis on the premises;
  - c) display signage that is in contravention of Provincial and Federal legislation and the District’s Sign Regulation Bylaw including all amendments and replacements thereto;
  - d) place any sandwich board signs outside the premises;
  - e) operate the cannabis retail store between the hours of 9 am and 9 pm daily  
(Bylaw No 1364)
- 5.73 A Cannabis Retail Store must:
- a) use the front door for public access to the retail storefront;
  - b) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
  - c) install a security and fire alarm system;
  - d) not allow Cannabis to remain on the premises when the business is not open to the public, unless the Cannabis is securely stored on the premises in a locked cannabis storage room & display cases.



- e) ensure that no odour is detectible from public property, neighboring properties, or other premises within the same building;
- f) not use the premise to carry on business other than the Cannabis Retail Store;
- g) ensure that windows on street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
- h) ensure the cannabis and cannabis accessories are not visible from outside the store.

5.74 A Cannabis Retail Store must promptly bring to the attention of the License Inspector:

- a) the name of any new on-site manager, officer, director or shareholder of the licensee;
- b) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee.

5.75 A Cannabis Retail Store must promptly provide the License Inspector a current police information check for any now on-site manager, officer, director or shareholder of the licensee.

5.76 Any person making application for a Cannabis Retail Store license shall at the time of making such application,, in addition to the general requirements under this Bylaw, must;

- a) hold a valid license issued by the Province to sell cannabis and be in compliance with all conditions and requirements of said license;
- b) provide any other documents required by the License Inspector.

### **Cannabis Production**

5.77 The *Cannabis Act* defines regulations and terms and conditions that relate to cannabis production in Canada and it is the responsibility of the licensee to be aware of and to operate in compliance with these rules.

5.78 Licensees are also responsible for knowing and complying with any Provincial, Local Government and/or Indigenous Nation laws, bylaws and requirements.

5.79 A license holder for a business which is Cannabis Production must do the following:

- a) install and maintain an air-filtration system on the premises that prevents odour from seeping outside the facility and prevents odour from being detected beyond the property where the facility is located.

**SECTION 6. ENFORCEMENT, CONTRAVENTION AND PENALTY**

**Enforcement**

- 6.1 This Bylaw may be enforced by a Bylaw Enforcement Officer or a person duly appointed as the License Inspector and may be enforced:
- (a) by means of a ticket issued under the MTI Bylaw No. 1195, 2010.
  - (b) by way of proceeding brought under the *Offence Act*

**Contravention**

- 6.2 Any person who fails to comply with the regulations within this Bylaw, or who violates any provision of this bylaw, is guilty of an offence.
- 6.3 Where the offence is a continuing one, each day that the offence continues shall constitute a separate offence.

**Penalty**

- 6.3 Upon being convicted of an offence under this Bylaw, a person shall be liable:
- (a) if issued a ticket, to pay a fine imposed under the MTI Bylaw No. 1195, 2010.
  - (b) if a proceeding is brought under the *Offence Act*, to pay the fine imposed and any further amounts that may be ordered by the court under the *Community Charter* or the *Offence Act*.

READ A FIRST, SECOND AND this 21<sup>ST</sup> day of May, 2013.

READ A THIRD TIME this 24<sup>th</sup> day of September, 2013.

ADOPTED this 8<sup>th</sup> day of October 2013.

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Mayor

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Corporate Officer

## **SCHEDULE “A” DEFINITIONS**

In this Bylaw:

- Amusement Machines** means machines or surfaces on which mechanical, electrical, automatic or computerized games or contests are placed for amusement or entertainment, and for which a coin or token is required or a fee is charged for use. Without restricting the generality of the foregoing, Amusement Machines include video machines, pinball machines, pool and billiard tables;
- Body Rub Parlor** means any premises where a body rub is performed, offered or solicited, and includes a referral agency which accepts requests to provide a person to perform a body rub at a location chosen by the person requesting the service;
- Buskers** means any person who provides any form of entertainment in the public realm, regardless of whether payment is solicited, offered or accepted;
- Canvasser  
(Door to Door Sales)** means a person personally selling, soliciting or canvassing for the sale of books, magazines, or periodicals, whether of an educational nature or not, or the sale of any goods, wares or merchandise, contracts for repairs, renovations or other work or like nature, either on his own behalf or as an agent for another, from door to door within the District of 100 Mile House;
- Cannabis**  
(Bylaw No. 1350) means cannabis as defined in the *Controlled Drugs and Substances Act* or *Cannabis Act*, and includes any products containing cannabis.
- Cannabis production**  
(Bylaw No. 1350) means the premises where cannabis and cannabis derivatives (whether medical or non-medical) are lawfully cultivated, propagated, harvested, researched, tested, produced, store, manufactures, prepared, packaged, distributed, destroyed, transported, shipped, or delivered, but does not include retail cannabis sales or the cultivation of cannabis by an individual for personal use and consumption.

<b>Cannabis retail sales</b> (Bylaw No. 1350)	means the sale of cannabis or cannabis accessories as lawfully permitted and authorized under the Provincial Cannabis Control and Licensing Act to retail consumers for consumption off site.
<b>Carnival</b>	means a business having any mechanical riding device, games of chance or skill, midways or similar attractions;
<b>Circus</b>	means the exhibiting of a public circus menagerie, hippodrome, horse show or pony show;
<b>Escort Service</b>	means any person carrying on the business of providing or furnishing escorts or partners for social occasions;
<b>Farmers Market</b>	means persons carrying on a business in an outdoor or enclosed market, made up multiple vendors, for the sale of farm and garden produce and handicrafts produced by full-time residents of the area;
<b>Gambling/Gaming Establishment</b>	means any business that is licensed by the Province to operate slot machines and/or gaming tables;
<b>Mobile/Street Vendor</b>	means the business of selling or offering for sale goods or services primarily from a motor vehicle, trailer, cart or other mobile device;
<b>MTI Bylaw</b>	means the District of 100 Mile House Municipal Ticket Information Bylaw No. 1195, 2010, and as amended from time to time or superceded;
<b>Pawnbroker</b>	means every person who carries on the business of taking goods or chattels in pawn, whether or not the provisions of the <i>Pawnbrokers Act</i> apply to him;
<b>Personal Photo Identification</b>	means any of the following that is current and valid and includes a photograph of the person it identifies:  (a) a driver's license issued by a Canadian province or territory; (b) a provincial identity card; (c) a passport issued by the government of Canada or another state recognized by the government of Canada;

- (d) a certificate of Canadian citizenship or landed immigrant status issued by the government of Canada; or
- (e) a certificate of Indian status issued by the government of Canada;

**Second-Hand Dealer**

means and includes every person who is in the business of purchasing, receiving, taking on consignment, holding, offering for sale or trade, selling, exchanging or otherwise dealing with used or second-hand property of any kind whatsoever;

**Special Events**

means a business type involving short term or temporary events, performances, concerts, exhibitions, entertainment or concession which includes but is not limited to retail sale, auction, Trade show, flea market or craft fair.

**Trade Show**

means a type of Special Event involving organizing a group of more than five (5) merchants to gather in one location or building to offer or promote sales, such as the sale of goods, wares, merchandise, services, products or concepts.