

# CITY OF KELOWNA

## Business Licence and Regulation Bylaw No. 12585

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The Municipal Council of the City of Kelowna in open meeting, hereby enacts as follows:

### **PART 1 - CITATION**

- 1.1 This Bylaw may be cited for all purposes as "Business Licence and Regulation Bylaw, No. 12585"

### **PART 2 – DEFINITIONS**

- 2.1 Words, phrases, and terms defined neither in this section nor in the Local Government Act shall be given their usual and customary meaning.
- 2.2 The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

**ADULT SERVICES BUSINESS** means a **body rub studio**, a **body painting studio**, a **dating agency**, or a **social escort service**.

**APPLICANT** means a **person** who makes an application for a **licence** under this Bylaw.

**ATM** means an automated teller machine that permits a customer to access and use one or more financial services customarily provided by a financial institution, including without limitation the dispensation of money or the exchange of cash for cryptocurrency, or the business of providing an ATM, but not including an ATM located within a financial institution.

**BCLCRB** means the British Columbia Liquor and Cannabis Regulation Branch.

**BODY PAINTING STUDIO** means a **business** involving the application of paint, powder, or similar materials to the body of another person, but does not include the application of facial make-up, face painting, or tanning products.

**BODY RUB** means the manipulating, touching, or stimulating by any means, of a person's body, or part thereof, but does not include medical, therapeutic, or cosmetic massage treatment performed by a person duly licensed or registered under any provincial statute governing such activities.

**BODY RUB STUDIO** means any **premises** of part thereof where a **body rub** is performed, offered, or solicited.

**BUSINESS** means the carrying on of a commercial or industrial undertaking or trade of any kind, or the provision of professional, personal, or other services for the purpose of gain or profit but does not include an activity carried out by the government, its agencies, or government owned corporations.

**BUSINESS OWNER** hereby referred to in this bylaw as **OWNER**, means the **person** or **persons** that are legally responsible for the **business** and are the licensee or holder of the **business** licence.

**BYLAW ENFORCEMENT OFFICER** means an individual employed by the **City** to perform bylaw enforcement duties.

**CABARET** means a dance club or other **business** where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the **premises**, which holds a liquor primary licence issued by the **BCLCRB**.

**CITY** means the City of Kelowna or the geographic area within the municipal boundaries thereof.

**COUNCIL** means the Municipal Council of the **City**.

**DATING AGENCY** means a **business** which provides information to persons desirous of meeting other persons for the purpose of social outings.

**FOOD PRIMARY ESTABLISHMENT** means development where prepared food and beverages are offered for sale to the public. Typical uses include, but are not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, and take-out restaurants. Licensed restaurants may serve any kind of liquor, even to customers who do not order food; however, a full range of appetizers and main courses must be available whenever liquor is available. These establishments may be holders of a Food Primary liquor licences.

**GAMING FACILITY** as defined by the *Gaming Control Act*, SBC 2002, c 14 as amended or replaced from time to time.

**HOME-BASED BUSINESS** is divided into three categories: Minor, Major, and Rural and is defined in the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

**INITIAL LICENCE** means a **licence**, other than a **special event licence**, issued to an **applicant** that did not previously hold a valid and subsisting **licence** for the subject **business** under this Bylaw. A **business** that did not satisfy the requirements for renewal and has reapplied does not qualify for an **initial licence** and is not eligible for proration.

**LICENCE** means a **business licence** issued by the **City** to operate a **business** under this bylaw, and is limited to an **initial licence**, a **renewal licence** or a **short-term event licence**.

**LICENCE INSPECTOR** means an individual employed by the **City** as a Licensing and Property Use Inspector, or their designate(s).

**LIQUOR PRIMARY ESTABLISHMENT** means an establishment primarily intended for the provision and consumption of alcoholic beverages on the **premises**, where alcoholic beverages are offered for sale to the public and may be characterized by one or more of the following: lounge, beverage rooms, or cocktail lounge, and which holds a liquor primary licence issued by the **BCLCRB**.

**LIQUOR PRIVATE CLUB** means a private club operated by a **society**, a non-profit or veterans' organization incorporated by special act of parliament, or a club or organization that has at least fifty (50) members who pay annual fees, where the sale and service of alcoholic drinks is offered to members and their registered guests, and which holds a liquor primary club licence issued by the **BCLCRB**.

**LIQUOR RETAIL** means a **business** which sells or offers beer, wine, coolers, ciders, or packaged liquor for consumption off the **premises**.

**MARKETING** means to offer for sale, promote, canvass, solicit, advertise, book, arrange or facilitate **business** activity, and includes placing, posting or erecting advertisements physically or online, but does not include the provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or online.

**MOBILE STORE** means a **business** that is carried out entirely from a motor vehicle or other stand that is designed to be or is mobile, including hand push carts and self-propelled concession stands, whereby the entire stock of goods, wares, merchandise, services, or foodstuffs offered for sale is carried, contained, and sold from the **mobile store** and are delivered to the purchaser at the time of sale.

**PASSENGER TRANSPORTATION SERVICE** means a **person** who owns or operates:

- a) a passenger directed vehicle service, or an inter-city bus, taxi or limo service, shuttle bus, all as defined by the *Passenger Transportation Act*, SBC 2004, c 39 as amended or replaced from time to time;
- b) a **pedicab, rickshaw**, recreational vehicle tour or charter company, bike or quadracycle tour or charter company, or boating tour/charter or flight tour/charter company.

**PEDICAB** means "Pedicab" as defined by Traffic Bylaw no.8120 as amended or replaced from time to time.

**PERSON** means and includes any individual, **business owner(s)**, corporation, partnership or party and the heirs, executors, administrators, and the legal, personal or other legal representative whom represents the **business** and is authorized to do so according to law.

**RCMP** mean a member of the Royal Canadian Mounted Police.

**PREMISES** means a building, portion of a building, or an area of land where **business** is carried out.

**RENEWAL LICENCE** means a **licence** issued to a **business** under this Bylaw for each calendar year after the expiry of the **initial licence** for the **business**.

**RESIDENT BUSINESS** means a **business** carried on, in, or from **premises** within the **City**.

**RICKSHAW** means a small two wheeled vehicle that is pulled manually by one (1) or more persons.

**SPECIAL EVENT LICENCE** means a **licence** issued to a short-term or temporary **business**, including **vendor markets, trade shows**, and special events.

**SOCIAL ESCORT SERVICE** means a **business** which provides escorts for social occasions.

**SOCIETY** means:

- a) a **society** incorporated and in good standing under the *Societies Act* S.B.C. 2015, c. 18 as amended or replaced from time to time; or
- b) a **society** or organization which is registered as a charitable **society** or organization under the *Income Tax Act* of Canada as amended or replaced from time to time.

**TOWING SERVICE** means any person carrying on the **business** of operating a **tow truck**.

**TOW TRUCK** means a motor vehicle used for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion.

**TRADE SHOW** means the carrying on of a **business** to organize a group of more than five (5) merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a single period less than fourteen (14) days.

**TRANSPORTATION NETWORK SERVICE** means a **person** who owns or operates a passenger-directed vehicle ride-hailing service, as defined by the *Passenger Transportation Act*, SBC 2004, c39 as amended or replaced from time to time.

**TRANSPORTATION SERVICE** means a **person** who owns or operates a **business** which hauls, by way of vehicles, cycles or vessels of any description, goods, wares, or merchandise from one place to another and has a **premises** or usual place of stopping and starting within the **City**.

**VENDOR MARKET** means the carrying on of a **business** to organize a group of more than three (3) merchants, vendors, or participants, to gather in one location or building to offer handicrafts, produce and/or vegetables, food, new and/or used goods, wares, or merchandise for sale for limited time periods. A licensed **vendor market** may be a recurring event; however, any **vendor market** operating on consecutive days shall not exceed any single period of seven (7) or more consecutive days.

**ZONING BYLAW** means the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

### **PART 3 - REQUIREMENTS FOR A BUSINESS LICENCE**

- 3.1 Every **person** who owns or operates a **business** within the **City** shall apply for, obtain, and maintain a **licence**.
- 3.2 Section 3.1 of this Bylaw applies to every **business** carried on in the **City** or with respect to any work or service that is performed in the **City**, whether or not the **business** is carried on, in or from a **premises** in the **City**.
- 3.3 A **person** must not carry on any **resident business** in the **City** except at the **premises** identified in a valid and subsisting **licence** for that **business**.

- 3.4 Every **person** who owns or operates a **business** at more than one **premises** must apply for, obtain, and maintain a separate **licence** in respect of each separate **premises**.
- 3.5 Every **person** who owns or operates more than one **business** or type of **business** at a single **premises** must apply for, obtain, and maintain a separate **licence** in respect of each **business** or type of **business** at that **premises**.
- 3.6 Every **person** who holds a **licence** in the **City** is responsible to ensure that all sub-contractors or trades hired by that licensed **business** are duly licensed to perform the required services and are available to provide a list of said sub-contractors within five (5) working days of receipt of such a request.
- 3.7 A **person** must not **market** or promote a **business** for which a **licence** is required by this Bylaw within the **City** unless the **business** being advertised or promoted is the subject of a valid and subsisting **licence** for that **business**.
- 3.8 No **licence** holder shall contravene, permit, or allow the contravention of any term of this Bylaw in relation to their **business**.
- 3.9 No **licence** holder shall contravene, permit, or allow the contravention of any term or condition of their **licence**.

### Exemptions

- 3.10 Notwithstanding any other provisions of this Bylaw, the holder of a valid and subsisting **licence** issued for a **business** under:
- a) the *Inter-Community Mobile Business Licence Bylaw No. 9900* as amended or replaced from time to time, for an associated community member of the Okanagan-Similkameen mobile licence program; or
  - b) the *Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720* as amended or replaced from time to time; or
- need not obtain an additional **licence** under this Bylaw for that **business**.
- 3.11 Notwithstanding any other provisions of this Bylaw, the following activities do not require a **licence**:
- a) rental of a secondary suite or carriage house to residential tenants, for periods of more than thirty (30) days; or
  - b) any person holding a yard sale on their residential property, provided such yard sales occur on no more than four (4) occasions within a calendar year.
- 3.12 Notwithstanding any other provisions of this Bylaw:
- a) an individual employed or contracted as a driver by a licensed **business** providing **passenger transportation service, transportation service or transportation network service** in the **City** is not required to obtain their own individual **licence** for such services; and

- b) a **transportation network service business** may provide such services throughout the **City** and need not post its **licence**.

#### **PART 4 – BUSINESS LICENCE APPLICATION**

- 4.1 Every **person** applying for an **initial licence** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule “A”.
- 4.2 Every application for an **initial licence** must:
  - a) be completed in full and signed by the **business owner**, or a **person** authorized in writing by the **business owner** to do so;
  - b) be completed in full on the application form(s) provided by the **City** for that purpose.
- 4.3 An application for an **initial licence** may be required by the **Licence Inspector** to contain the following information, where applicable:
  - a) identification and or proof of identity;
  - b) the name, address, phone number and email of the **business owner** and the **applicant**;
  - c) a description of the nature of the **business**;
  - d) a description of the proposed **business premises**, including the legal description and civic address;
  - e) the square meters of the proposed **business premises**, including a copy of a plan of the space when requested;
  - f) the number of employees;
  - g) proof of ownership, lease, or other arrangement permitting the **business** to use the **premises** for the period of the **licence**;
  - h) proof of any certification, licence, permit, approval, qualification, or plan that may be required by a federal, provincial, or other authority with respect to the operation of the **business**;
  - i) proof of insurance;
  - j) the liquor licence, including any endorsements, issued to the **business** under the *Liquor Control and Licensing Act* as amended or replaced from time to time;
  - k) proof of a permit issued to the **business** under the *Public Health Act* as amended or replaced from time to time, or its regulations;
  - l) the occupant load or other description of the **business** capacity; and
  - m) any additional information the **Licence Inspector** reasonably requests in order to assist in determining whether the **applicant** may be issued a **licence**;

and the **initial licence** application shall not be considered complete until the **Licence Inspector** has received the requirements above to the **Licence Inspector’s** satisfaction.

- 4.4 Any errors, omissions, inaccuracies, or misrepresentations in the information or documentation provided by the **applicant** in respect to a **licence** application will be considered the sole

responsibility of the **applicant**, notwithstanding any review or acceptance by the **Licence Inspector**.

- 4.5 If a **business** involves multiple owners or partners, any one of the registered owners or partners may apply for an **initial licence** on behalf of the **business owners** and that person will be deemed to be the authorized agent for that **business** for the purposes of this Bylaw.
- 4.6 No **person** shall provide incorrect or misleading information on an application for a **licence**.
- 4.7 Where an **applicant** applies for more than one (1) **licence**, they must submit a separate application for each **licence**.
- 4.8 Where an **applicant** applies for an **initial licence** for a **business**, they must first obtain and complete any permits required by the **business**, including but not limited to building, plumbing, natural gas, sprinkler, high rack storage and fire suppression permits.
- 4.9 Where it is determined that an inspection of the proposed **business premises** is required as part of the **licence** application, it is the responsibility of the **applicant** to arrange for and allow the required inspection(s) to occur in a timely manner as defined by the **Licence Inspector**.
- 4.10 The **applicant** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule "A" before a **licence** will be issued.
- 4.11 If a **person** submits a **licence** application for which additional information or documentation is required by the **Licence Inspector**, the **person** shall supply all required information and documentation within thirty (30) days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a **licence** must be submitted.

## **PART 5 – BUSINESS LICENCE CONDITIONS**

### **Effect of the Licence**

- 5.1 A **licence** authorizes only the **person** named in the **licence** to operate the **business** described in the **licence**, and is subject to any condition(s) of the **licence**.
- 5.2 The granting or issuance of a **licence** under this Bylaw is not a representation or warranty by the **City** that the **licence** holder is competent in the **business** for which they are licensed, nor that the licensed **business** or the **business premises** comply with the bylaws of the **City** or with any other enactments, regulations, or standards.
- 5.3 A **licence** issued under this Bylaw to a **business** is subject to every term and condition applicable to that **business** stated in the **licence** and this Bylaw.
- 5.4 Every **person** who owns or operates a **business** must comply with all bylaws, policies, and enactments applicable to that **business** as a term and condition of their **licence**.
- 5.5 No **person** who owns or operates a **business** may cause, allow, or permit that **business** to cause a nuisance to other **businesses**, resident(s), or member(s) of the public.

- 5.6 No **person** shall market goods, services or carry on any **business** without first acquiring any applicable licences, permits or approval(s) required by the **City** authorizing the activity at the times and locations indicated therein.

#### **Form and Display of Licence**

- 5.7 Every **licence** granted pursuant to this Bylaw shall be in the form prescribed by the **City**.
- 5.8 Every **licence** holder must keep a copy of their valid **licence** posted in a place that is visible to the public and that is within the **premises** to where the **business** is operated unless an exception is permitted under this bylaw.

#### **Licence Period and Renewal**

- 5.9 In this part, “renewal year” means the calendar year following the year in which an **initial licence** or **renewal licence** was issued.
- 5.10 Unless otherwise specified or earlier cancelled in accordance with this Bylaw:
- a) an **initial licence** is valid until December 31 of the year in which the **licence** is issued;
  - b) a **renewal licence** is valid from January 1 to December 31 of the year in respect of which the **licence** is issued; and
  - c) a **special event licence** is valid for the period or days indicated on the **licence** by the **Licence Inspector**.
- 5.11 A **licence** holder may renew an **initial licence** or a **renewal licence** for a renewal year by:
- a) paying to the **City** the annual fee specified for that **business** in Schedule “A”;
  - b) paying to the **City** any outstanding fees or fines imposed upon the **business** or the **licence** holder under this Bylaw, including court-ordered fines and costs in favor of the **City** for breaches of this Bylaw; and
  - c) providing any information which the **Licence Inspector** reasonably requests in order to assist in determining whether the **licence** may be renewed.
- by no later than the fee payment due date of the renewal year.
- 5.12 If a **licence** holder satisfies the requirements for renewal of the **licence** indicated in Section 5.11, but fails to submit payment of mandatory fees by the due date of the renewal year, the **licence** holder must pay to the **City** the late penalty fee specified in Schedule “A” of this Bylaw.
- 5.13 If a **licence** holder does not satisfy the requirements for renewal of the **licence** indicated in Section 5.11 within sixty (60) days from the fee payment due date of the renewal year, the **licence** may be cancelled by the **Licence Inspector**.



## Changes in Business / Licence Transfer

- 5.14 A **licence** holder must notify the **City** in writing within ten (10) business days of any changes to the information submitted on the application for which a **licence** was issued.
- 5.15 A **licence** holder proposing to make any of the following changes to the **business** for which the **licence** is held:
- a) location of the **business premises**;
  - b) ownership of the **business**; or
  - c) a term or condition on which the **licence** was issued;
- must complete and submit an application for such change(s) in the same form and manner as set out in Part 4 for **initial licence** applications, except the **applicant** must pay the licence change fee specified in Schedule "A" of this Bylaw, rather than an initial application fee.
- 5.16 No **licence** holder may change any condition upon which the fee for their **licence** is based without first paying to the **City** any additional fee(s) due or owing as a result of the change.

## PART 6 – BUSINESS LICENCE FEES

- 6.1 For **initial licences**, the annual licence fee prescribed for that **business** in Schedule 'A' shall be prorated, based on the total number of quarters remaining in the duration of the **licence** year, as calculated from date of the issuance of the **licence**. Partial quarters shall be treated as full quarters, and shall be prorated as follows:
- |                     |                                 |
|---------------------|---------------------------------|
| Four (4) quarters:  | 100% of the fee shall apply;    |
| Three (3) quarters: | 75% of the fee shall apply;     |
| Two (2) quarters:   | 50% of the fee shall apply; and |
| One (1) quarter:    | 25% of the fee shall apply.     |
- 6.2 The fee for a **special event licence** and any **licence** that operates on a per-day basis, or has a fee other than an annual fee, will not be pro-rated.
- 6.3 Fees paid under this Bylaw are not refundable.
- 6.4 Fees for inspections of **business premises** conducted by the **Licence Inspector** beyond those typically required for the purposes of issuing or renewing a **licence**, including re-inspections, are set out in Schedule "A" of this Bylaw.

## PART 7 – AUTHORITY

- 7.1 The **Licence Inspector** may issue, renew, or change a **licence** upon being satisfied that the application for the issuance, renewal, or change meets the requirements of this Bylaw.
- 7.2 No **licence** shall be issued or renewed unless the **Licence Inspector** is satisfied with the information available that:

- a) the zoning of the **business premises** permits the proposed **business** activity;
  - b) the **owner** and the **business** are in compliance with this bylaw, all other **City** bylaws and enactments that are applicable to the **business** and the **business premises**;
  - c) all **licence** and inspection fees, and any other outstanding fees or fines owed to the **City** in relation to the **business**, or any other **business** operated by the same **applicant**, have been paid.
- 7.3 Subject to section 16 of the *Community Charter* as amended or replaced from time to time, the **Licence Inspector** or **Bylaw Enforcement Officer** may enter a **business premises** during normal business hours or request entry within twenty-four (24) hours to inspect and determine whether the regulations and requirements of this Bylaw or a **licence** are being met.
- 7.4 At any time, the **Licence Inspector** may require a **licence** holder to provide proof of any certification, licence, permit, approval, qualification, or plan, including drawings, that may be required by this Bylaw, or by a federal, provincial, or other local authority with respect to the **business**.
- 7.5 Upon request by the **Licence Inspector**, a **licence** holder must provide photo identification to verify the identity of the **licence** holder.
- 7.6 The **Licence Inspector** may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a **licence**, including conditions related to:
- a) the duration of the **licence**;
  - b) the hours or days of operation of the **business**;
  - c) the maximum number of occupants allowed at the **premises**; or
  - d) any other terms or conditions related to compliance with this Bylaw or other applicable bylaw(s) or enactment(s).
- 7.7 The **Licence Inspector** may order:
- a) a **person** who contravenes any provision of this Bylaw to comply with that provision;
  - b) the correction of any unsafe condition in respect to a **business** or **business premises**;  
and
  - c) the cessation of any activity that contravenes the terms or conditions of the **licence** for the **business** or this Bylaw,

and every **person** issued an order under this section must comply with that order, within the time period ordered.

### **Refusal, Cancellation, Suspension of a Business Licence**

- 7.8 The **Licence Inspector** may refuse an application, or cancel or suspend a **licence** for any length of time, where the **Licence Inspector** is satisfied that there is reasonable cause, including without limitation where the **applicant** or **licence** holder:

- a) has failed to meet the **initial licence** application requirements as provided by this Bylaw;
  - b) has failed to meet the **renewal licence** requirements as provided by this Bylaw;
  - c) has ceased operation of the **business**;
  - d) fails to comply with this Bylaw or a term or condition of the **licence**;
  - e) intends to or does operate a **business** or occupies or uses a **business premises** that does not comply with a **City** bylaw, or any enactments of provincial, federal or other governmental authorities.
  - f) is convicted of an indictable offence in Canada which relates to the nature of the **business** or in respect of the **business**;
  - g) fails to comply with any **City** bylaws, is convicted of an offence under any of the **City's** bylaws, or has been convicted of an offence under a provincial or federal enactment in respect of the **business** or **premises** for which the **licence** was issued;
  - h) ceases to meet the lawful federal or provincial requirements to carry on the **business** or with respect to the **premises** for which the **licence** was issued;
  - i) has engaged in serious misconduct which warrants the refusal, cancellation, or suspension of the **licence**, if the misconduct is:
    - i. with respect to the **business**; or
    - ii. occurred in or with respect to the **business premises**;
  - j) has engaged in conduct resulting in the **Licence Inspector** concluding that there is reasonable cause to do so;
  - k) has not responded to the **Licence Inspector** in the time frame outlined in sections 4.11 and 5.13.
- 7.10 The **Licence Inspector** may impose conditions on a **licence** in relation to the refusal, suspension, or cancellation of the **licence**.
- 7.11 Before cancelling or suspending a **licence**, the **Licence Inspector** must notify the **licence** holder of the intended action, the date on which the intended action will take place, and provide reason(s) the **licence** will be suspended or cancelled.
- 7.12 If the **Licence Inspector** refuses to grant a **licence**, the **Licence Inspector** must provide the **applicant** with written reason(s) for the refusal upon the **applicant's** request.
- 7.13 No **person** shall operate, **market** or promote a **business** during a period in which the **licence** for that **business** is suspended or if the **licence** has been cancelled.

### Reconsideration

- 7.14 An **applicant** or **licence** holder who wishes **Council** to reconsider the **Licence Inspector's** decision to refuse, suspend, or cancel a **licence** must, within ten (10) business days of the date

of the refusal, suspension, or cancellation, deliver to the Corporate Officer of the **City** a written request stating the grounds upon which the request is based.

- 7.15 The Corporate Officer must refer a request made under Section 7.14 to a regular or special **Council** meeting and notify the **applicant** or **licence** holder of the time and place at which **Council** will reconsider the decision of the **Licence Inspector**.
- 7.16 If **Council** elects to uphold the **Licence Inspector's** decision to refuse, suspend, cancel, or place conditions on the **applicant** or **licence** holder, the Corporate Officer will provide the **applicant** or **licence** holder with written notice of **Council's** decision, and the **applicant** or **licence** holder must comply with any terms, restrictions, and requirements imposed by **Council**.

## **PART 8 – REGULATIONS FOR SPECIFIC BUSINESSES**

### **Adult Services Business**

- 8.1 Regulations in this section apply to all **adult services businesses** which include **body rub studio, body painting studio, dating agency** or **social escort service**, as defined in Part 2 of this Bylaw.
- 8.2 A **person** carrying on an **adult services business** must not:
- a) employ individuals who are less than nineteen (19) years of age; or
  - b) provide products or services to any person less than nineteen (19) years of age.
- 8.3 A **person** carrying on an **adult services business** must:
- a) provide a scaled drawing of the floor plan of the **premises** to be licensed;
  - b) maintain at the **business premises** licensed, a written record of all individuals registered with the **adult services business**, showing their name and address, and the individual to whom they have been referred to for a social engagement or **body rub**, including the date, time, and location of every social engagement, and shall upon request make such list available for review or pickup by the **Licence Inspector** or designated representative;
  - c) provide the **Licence Inspector** with notice of any change in the personnel employed or engaged in the **business** within forty eight (48) hours of such change;
  - d) not employ or engage any person in the **business** without first receiving a satisfactory completion of an **RCMP** Criminal Record Check;
  - e) not engage in or allow any employee or other person on the **business premises** to engage in or offer to engage in any act of prostitution;
  - f) ensure every room involving client interactions is not equipped with a locking device on any door in the room;
  - g) if the **business** is a **body rub studio**, meet the requirements of the *Regulated Activities Regulation* pursuant to the *Public Health Act* as amended or replaced from time to time and:
    - i. ensure the **business** is not open between the hours of 24:00hrs (12:00 midnight) and 8:00hrs (8:00am); and

- ii. not exhibit or allow to be exhibited in any form showing a nude male or female body together with printed word(s) that might indicate that the **business** is a place that offers any sexual or nude entertainment;
- h) provide upon request to the **Licence Inspector**, the name, age, address and two pieces of government issued photo identification of every person to be employed or engaged in the **business**, together with any additional information including pseudonyms or aliases, within five (5) working days of such request;
- i) provide upon request, **RCMP** Criminal Record Checks for all staff, primary managers, owners, partners, directors, and officers of the corporation, within five (5) working days of such request; and
- j) provide upon request, a list of any websites and advertising including social media platforms that promote the **business**, within five (5) working days of such request.

### **Childcare Centre, Day Care and/or Baby-sitting Service**

8.4 A **licence** issued under this Bylaw for a childcare centre, day nursery, nanny, or baby-sitting service will be required to:

- a) specify whether or not the **applicant** is eligible to have children under the age of thirty (30) months on the **premises**, as per the Child Care Licence issued by the local health authority in relation to the **applicant**; and
- b) specify the number of children the **applicant** is permitted to have on the **premises** at any given time, as per the Child Care Licence issued by the local health authority in relation to the **applicant**.

### **Contractors**

8.5 Gas, plumbing, and fire sprinkler system installation contractors must provide, upon the request of a **Licence Inspector**, a list of trade-qualified sub-contractors, employees, and their associated certifications within five (5) days of such a request. Specifically:

- a) every **person** licensed under this Bylaw to operate as a gas contractor where mandatory prerequisite requirements under the *Safety Standards Act* and associated regulations are required must:
  - i) at the time of application; or
  - ii) within five (5) days of such a request;

provide a copy of their BC Gas Contractor Licence issued by Technical Safety BC including gas contractor licence number and expiry date, and ensure any mandatory Technical Safety BC regulatory requirements remain active and in good standing.

- b) every **person** licensed under this Bylaw to operate as a plumbing contractor must comply with all provisions of the *City's Plumbing Bylaw No. 5968-87* as amended or replaced from time to time and must:

- i) at the time of application; or
- ii) within five (5) days of such a request;

provide a copy of their required plumbing trade qualifications.

- c) every **person** licensed under this Bylaw to operate as a fire sprinkler system installation contractor must:

- i) at the time of application; or
- ii) within five (5) days of such a request

provide a copy of their required fire sprinkler system installation trade qualifications.

### **Home-Based Business**

- 8.6 Every **person** licensed under this Bylaw to operate a **Home-Based Business** must comply with all provisions of the **City's Zoning Bylaw No. 12375** as amended or replaced from time to time.

### **Mobile Store**

- 8.7 No person shall carry on **business** as a **mobile store** on a highway, sidewalk, or boulevard within the area outlined in "Schedule B" of this Bylaw, unless permitted through a **City** concession permit, or on a highway, sidewalk, or boulevard within the **City** unless the **mobile store** is located entirely within a location approved by the **City**. Any **mobile store** permitted on Leon Avenue, Lawrence Avenue, or Water Street must be located within the areas shown on "Schedule C" of this Bylaw, and the **business owner** must hold a valid concession permit issued by the **City**.
- 8.8 The **owner** or operator of a **mobile store** shall keep the area occupied by the **mobile store** and surrounding public places clean and clear of all waste, discarded debris, and food stains.
- 8.9 A **mobile store** which is licensed to operate in the area of Lawrence Avenue or Leon Avenue shown on "Schedule C" may only operate in this area between the hours of 5:00 p.m. to 3:00 a.m.
- 8.10 Where **mobile stores** are permitted and involve food sales, the **owner** or operator shall, as a requirement of the **initial licence** and **renewal licence**, ensure they hold valid local health authority approval, and that an annual safety check is completed with the **City** Fire Department and, if applicable, Technical Safety BC approval.

### **Passenger Transportation Service**

- 8.11 Every person licensed under this Bylaw to operate a **pedicab** or **rickshaw** is subject to the following conditions:
  - a) provision of proof of valid liability insurance for the **business** naming the **City** as indemnified against any claims arising from the ownership or operation of the **pedicab(s)**, or **rickshaw(s)**, in the amount of \$2,000,000.00;
  - b) provision of a ride fare fee schedule upon **licence** application;

- c) completion of daily **pedicab** or **rickshaw** inspections which, at a minimum, must include the following:
  - i) Pedals and the mechanical system are always operable to propel the **pedicab**;
  - ii) The functionality of **rickshaw** anti-tip safety bar located at rear of the unit;
  - iii) The frame and wheels of the **pedicab** or **rickshaw** are in good repair and sound condition;
  - iv) **Pedicab** hydraulic or cable front and/or rear disc brakes or caliper brakes are fully operable; and
  - v) passenger restraining device(s) such as seat belts are in working condition.
  
- d) advertising on **pedicab** or **rickshaw** can be in relation to the **business** or operator only, no off-site **business** signage is permitted on any **pedicab** or **rickshaw** unit, and any signage and/or advertising must adhere to as per section the *Sign Bylaw No. 11530* as amended or replaced from time to time.
  - i) all **pedicab** or **rickshaw** operators must not permit more than two (2) passengers in the **pedicab** or **rickshaw** at one (1) time.
  - ii) all **pedicab** or **rickshaw** operators must not transport passengers in a **pedicab** or **rickshaw** between thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless:
    - i. The **pedicab** or **rickshaw** is equipped with operable front headlight and rear taillights, in accordance with *BC Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time; and
    - ii. side reflectors are affixed to each side of the **pedicab** or **rickshaw**.
  
- d) all operator of a **pedicab** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may utilize designated taxi zone(s) on **City** streets and multi-use cycle/pedestrian pathways and board walks, but must not operate nor park a **pedicab** on any **City** sidewalk; and
  
- e) all operators of a **rickshaw** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may use multi-use cycle/pedestrian pathways and board walks, but must not operate nor park the **rickshaw** on any **City** sidewalk or taxi zone.

8.12 Every **person** licensed under this Bylaw to operate a marine equipment rental, marine tour, or marine charter **business** which utilizes **City** boat launch facilities as part of its **business** is subject to the following conditions:

- a) **business owners** are required to obtain a valid licence or permit issued by the **City** to allow access and use of **City** launch facilities; and
- b) **business owners** must adhere to all requirements or conditions indicated in such licence or permit.

## Secondhand Dealers and Pawnbrokers

- 8.13 Every **person** licensed under this Bylaw to operate as a secondhand dealer or a pawnbroker must comply with all provisions of the **City's *Secondhand Dealers and Pawnbrokers Bylaw No. 9227*** as amended or replaced from time to time.

## Towing

- 8.14 No **towing service** that has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
- 8.15 No **towing service** shall offer their services at the scene of a motor vehicle accident, or any roadside motor vehicle check conducted by the Kelowna **RCMP**, unless they have been requested to do so by the owner or driver of a motor vehicle involved in an accident, or by an attending member of the **RCMP**, Bylaw officer, or peace officer.

## Transportation Network Service

- 8.16 A **licence** issued under this Bylaw for a **transportation network service** is subject to the following conditions:
- a) the **business** must hold a current Provincial Transportation Network Service Licence and provide copy of such at time of application and upon renewal;
  - b) the **business** must clearly display vehicle identifiers on all associated vehicles, as required by the *Passenger Transportation Act* as amended or replaced from time to time; and
  - c) the **business owner** must ensure their drivers follow the Passenger Transportation Board's terms and conditions in respect to TNS apps.

## PART 9 – VIOLATIONS

- 9.1 A person that:
- a) carries on a **business** without holding a valid **licence** for that **business**;
  - b) fails to display or carry a valid **licence** as required by this Bylaw;
  - c) fails to provide any documentation or information as required by this Bylaw;
  - d) provides false or misleading information to obtain a **licence** under this Bylaw;
  - e) carries on or remains open for **business** after receiving notice that the **licence** for the **business** was suspended or cancelled;
  - f) violates any other term or condition of this Bylaw or of a **licence** issued under this Bylaw;
  - g) suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw;



- h) neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
- i) commits an offence against this Bylaw,

shall be liable upon summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).

- 9.2 If an offence continues for more than one (1) day or in more than one (1) instance, a separate offence occurs on each day or instance, and separate fines may be issued for each day that the offence continues or for every instance that an offence occurs.
- 9.3 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.
- 9.4 Any person designated as the enforcement officer for this Bylaw pursuant to the *City of Kelowna Ticket Information Utilization Bylaw No. 6550-89* as amended or replaced from time to time, is hereby authorized and empowered to enforce the provisions of this Bylaw by Municipal Ticket Information.

**PART 10 – ADMINISTRATION**

- 10.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this Bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.
- 10.2 Schedule "A" attached hereto forms part of this Bylaw.
- 10.3 The City of Kelowna "Business Licence and Regulation Bylaw No. 7878" and all amendments thereto are hereby repealed effective upon adoption of this Bylaw.

This bylaw may be cited as "Bylaw No. 12585, Business License and Regulation Bylaw No. 12585."

This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 23<sup>rd</sup> day of October, 2023.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk

SCHEDULE A

Business Licence Fees

<b>Administrative Fees:</b>
Initial Application Fee - \$50.00
Late Payment Penalty Fee - \$ 25.00
Licence Change Fee - \$50.00
Licence Re-Inspection fee - \$50.00

**Annual Licence Fees**

Type Code	Licence Category	Annual Licence Fee(s)
1000	<b>ACCOMMODATION SERVICES - Minor</b> Including, but not limited to, bed and breakfast homes, boarding or lodging houses, or group homes. This use does not include short-term rentals.	\$160
1010	<b>ACCOMMODATION SERVICES - Major</b> Long term rental buildings, congregate housing, mobile home parks, campsites, hotels, motels or resorts.	\$250
1020	<b>ADULT SERVICES</b> Including body-rub, body rub parlour, body-painting studio, social escort services, and dating agencies.	\$1,000
1030	<b>ALCOHOL PRODUCTION FACILITIES</b> Facilities where alcoholic beverages or alcohol products with alcoholic content exceeding 1% by volume are produced. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site.	\$250
1040	<b>AUTOMOTIVE AND EQUIPMENT SALES, SERVICE AND/OR RENTALS</b> Including, but not limited to, automobile dealerships, transmission shops, muffler shops, tire shops, automotive glass shops, autobody repair, paint shops, upholstery shops, and car washes. As well as the sale, rental, service, or repair of heavy vehicles, machinery, or mechanical equipment.	\$160
1050	<b>BUSINESS BY A NON-PROFIT</b> Including, but not limited to, second-hand dealer or thrift store, boarding or lodging houses, group home and care facilities, liquor private clubs, long-term rental buildings, vendor markets, and temporary shelter services operated by a non-profit agency or public authority.	\$100

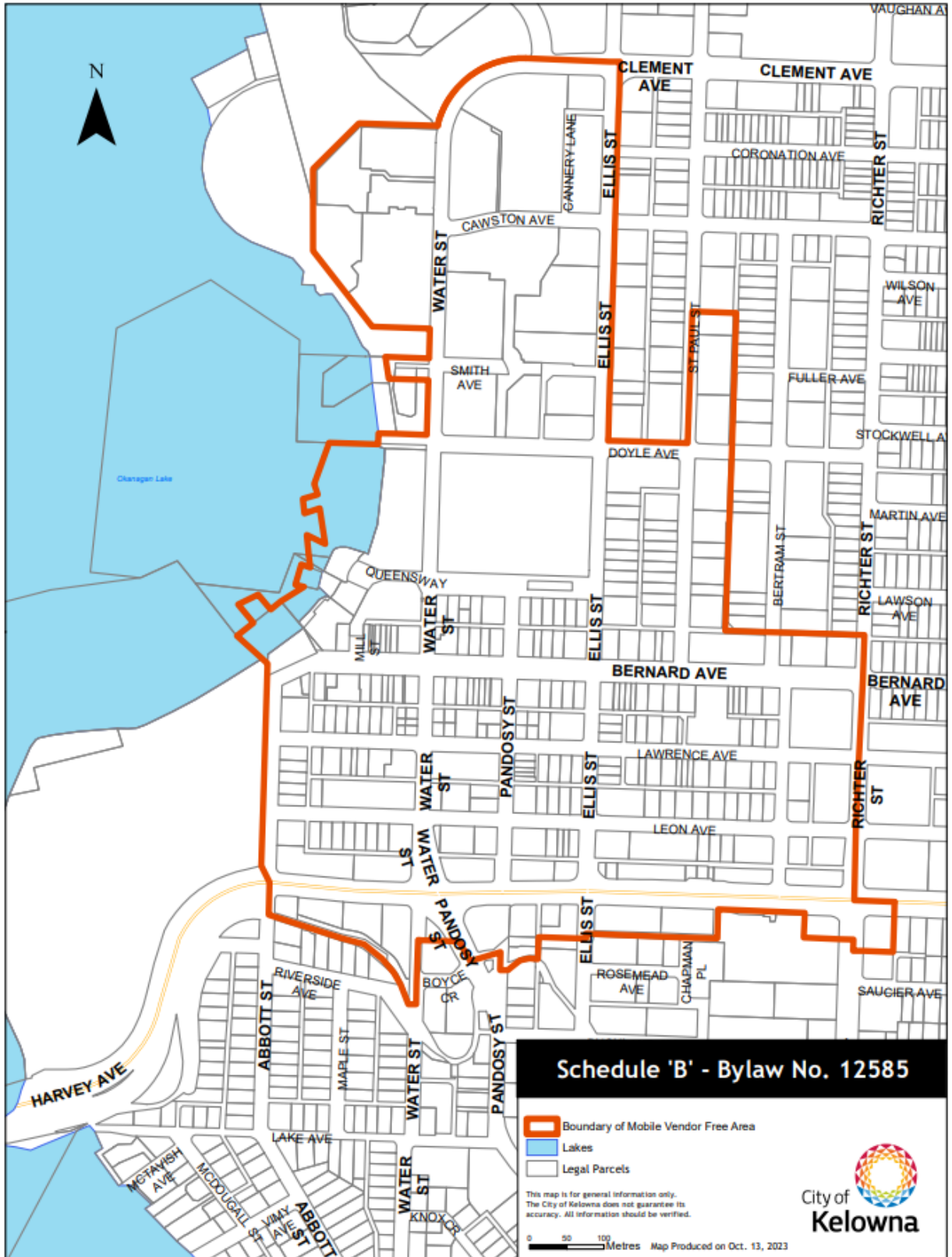
1060	<p><b>CHILDCARE CENTRE, DAY CARE AND/OR BABY-SITTING SERVICE</b> Any person operating a childcare centre, day nursery, nanny or baby-sitting service.</p>	\$160
1070	<p><b>CONTRACTOR</b> Any person who does work, performs a service or supplies material in contractor trades such as bricklaying/masonry, building, ceiling, cement/concrete, drywall, eaves trough, landscaping, tree topping, electrical, excavating, flooring, gas-fitting, insulation, painting, decorating/designing /staging, plumbing, refrigeration, HVAC, roofing, siding, swimming pools, sheet metal/aluminum, water/sewer line services or any other contractor business not otherwise specifically mentioned.</p>	\$160
1080	<p><b>CULTURAL, RECREATIONAL AND ENTERTAINMENT SERVICES</b> Including, but not limited to, community halls, social clubs, private clubs, art galleries, auditoriums, cinemas, concert halls, creative or performing artists, personal trainers, athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, amusement arcades, racquet clubs, golf clubs, and stables.</p>	\$160
1090	<p><b>FOOD PRIMARY ESTABLISHMENTS AND FOOD SERVICES</b> Including, but not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, take-out restaurants, bakeries, and caterers.</p>	\$160
1100	<p><b>GAMING FACILITY</b> Any casino, bingo, gaming centre or other place approved by the British Columbia Gaming Commission for the conduct of gaming activities.</p>	\$500
1110	<p><b>GAS BAR</b> Including the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products, and may include car wash or washing of vehicles as an accessory use.</p>	\$500
1120	<p><b>HEALTH AND MEDICAL SERVICES</b> Including, but not limited to, medical and dental offices, chiropractors, massage therapists, acupuncture clinics, health clinics, counselling services, care aids, senior support services, personal coaches, holistic health services, laboratories, and private hospitals. This use does not include the retail sale or dispensing of cannabis.</p>	\$160
1130	<p><b>LIQUOR PRIMARY CABARET</b> Dance club, night club, adult entertainment, or other business where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the <b>premises</b>.</p>	\$1000

1140	<b>LIQUOR PRIMARY ESTABLISHMENTS</b> An establishment primarily intended for the provision and consumption of alcoholic beverages on the <b>premises</b> . This use does not include liquor primary cabarets.	\$250
1150	<b>LIQUOR RETAIL</b> Including, but not limited to a business that sells or offers beer, wine, coolers, ciders, and, packaged liquor for consumption off the <b>premises</b> .	\$650
1160	<b>MANUFACTURING</b> The processing of raw materials, the manufacturing or assembling of semi-finished or finished goods, products or equipment that require onsite storage of parts and products. Typical uses include but are not limited to food and beverage manufacturing textiles and clothing, chemical and pharmaceuticals, (excluding alcohol production or the processing of cannabis or cannabis derivatives) computer and electronic products, printing operators, concrete manufacturers, machine shop, welding shop, saw mill, steel/metal fabricators, furniture making, paper or wood product plants, and plastic and rubber processing plants. The holder of a licence under this category shall also be permitted to sell their manufactured products by retail without taking out any further licence.	\$160
1170	<b>MARINA, MOORING, MARINE EQUIPMENT RENTALS, AND/OR MARINE BASED TOURS</b> Marina and mooring services, marine equipment rentals, and/or marine based tours for powerboat, jet boat, jet ski, or other related motorized or non-motorized watercraft, and water related activity including, but not limited to, flyboard, inflatable vessels, stand up paddleboards (SUP), peddle boats, canoes, and kayaks.	\$160
1180	<b>MOBILE STORE</b> Including, but not limited to food trucks, food trailers, and mobile retailers whereby the goods are offered for sale via a vehicle or thing that is intended to be mobile.	\$250
1190	<b>NATURAL RESOURCE EXTRACTION</b> Including, but not limited to quarries, gravel pits, and stripping of topsoil.	\$160
1200	<b>PARKING LOT</b> Parking space rentals, including, but not limited to parking lots and parkades.	\$160
1210	<b>PAWNBROKER AND SECOND-HAND DEALERS</b> Pawnbroker as defined and regulated under the <i>Second-Hand Dealer and Pawnbroker Regulation Bylaw No. 9227</i> as amended or replaced from time to time.	\$500
1220	<b>SALES</b>	\$160

	Including, but not limited to, retail, wholesale, online and direct marketing sales of goods other than liquor and cannabis.	
1230	<b>SALES – FARM RETAIL</b> Sales of agricultural products.	\$100
1240	<b>SERVICES</b> Including, but not limited to, professional services, financial services, personal services, barber shops, hairdressers, tattoo parlours, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, laundromats, financial services, business support services, broadcasting studios, publishers, funeral services, animal and pet services, real estate services, household repair services, rental and leasing services, janitorial services, education services, travel services, utility services, and information technology services.	\$160
1250	<b>SPECIAL EVENT</b> Special event including, but not limited to, a public show, cultural performance, awareness walks, exhibition or other similar event. <b>*Fees are recharged per day.</b>	\$50
1260	<b>TOWING SERVICES</b> The operation of a tow truck in order to provide towing assistance to other vehicles.	\$160
1270	<b>TRADE SHOW</b> Trade show organization and operation where the participating merchants offer their goods, wares or merchandise for retail sale or wholesale, for the duration of such show (the licence period). A licence issued for such a trade show includes all merchants registered to take part in the trade show. <b>*Fees are charged per trade show</b>	\$500
1280	<b>TRANSPORTATION NETWORK SERVICES</b> Vehicle ride-hailing service as defined by the Passenger Transportation Act, SBC 2004, c39 as amended or replaced from time to time.	\$500
1290	<b>TRANSPORTATION SERVICES</b> Including passenger transportation services and cargo transportation services but not including transportation network services.	\$160
1300	<b>VENDING MACHINES AND AUTOMATED TELLER MACHINES (ATMs)</b> For each vending machine and each automated teller machine other than those located within a financial institution.	\$50
1310	<b>VENDOR MARKETS</b> The organization and operation of a market consisting of more than three (3) merchants, vendors or participants, to	\$500

	gather in one location in the open-air or building to offer handicrafts, produce and vegetables, food, new and used goods, wares, or merchandise for sale. A licence issued for such a vendor market includes all merchants, vendors or participants registered to take part in the vendor market.	
1320	<b>WAREHOUSING AND STORAGE</b> Including, but not limited to, warehouse storage of products or goods, commercial storage, and boat storage.	\$160

Boundary of Mobile Vendor Restriction Map



# SCHEDULE C

Mobile Stores – map of designated concession areas downtown

