

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NO. 2274. 2020

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THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 2274. 2020

A Bylaw to regulate the licencing of businesses within the boundaries of the District of Peachland.

Amended by: Bylaw No. 2274, 2023 Adopted October 24, 2023

WHEREAS pursuant to section 8(6) of the *Community Charter*, the District may regulate in relation to business;

AND WHEREAS, when regulating business, Council may, pursuant to section 15(1) of the *Community Charter*, provide for a system of licences, permits, or approvals;

AND WHEREAS Council may, pursuant to section 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the District, which delegation may under section 60(4) of the *Community Charter* include the authority to suspend or cancel a business licence;

AND WHEREAS Council has given notice of its intention to adopt this Bylaw and provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council pursuant to section 59 of the *Community Charter*,

NOW THEREFORE, the Council of the District of Peachland, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 -CITATION

1.1 This Bylaw may be cited as "Business Licence Bylaw No. 2274, 2020".

PART 2 - REPEAL

2.1 District of Peachland Business License Bylaw No. 2157, 2016, including all amendments thereto, is hereby repealed.

PART 3- INTERPRETATION

Severability

3.1 If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

Successorship of Delegated Authority

3.2 Words in this Bylaw directing or empowering any officer or employee of the District to do any act or thing, or otherwise applying by name of office, includes successors in such office and any lawful deputy, and any person who is duly appointed to act in that officer or person's place.

Definitions

3.3 The following are definitions of terms used in this Bylaw:

"Applicant" means a person that applies for a Business Licence pursuant to this Bylaw.

"Bed & Breakfast (Suite)" means a Business operated from a dwelling, providing one (1) or more habitable rooms within said dwelling, for temporary accommodation to transient travellers, with or without meals being provided, which includes self-contained sleeping, living, cooking, and sanitary facilities, as well as direct access to the exterior, without passing through any part of the principal dwelling unit, where the maximum length of occupancy by any guest is no more than thirty (30) days in any twelve (12) month period.

"Bed & Breakfast (Traditional)" means a Business operated from a dwelling providing one (1) or more habitable room(s) within said dwelling for temporary accommodation to transient travellers, with shared common areas (e.g., kitchen, living room, etc.), with or without meals being provided, where the maximum length of occupancy by any guest is no more than thirty (30) days in any twelve (12) month period.

"Business" means the carrying on of a commercial or industrial activity or undertaking of any kind or nature, or the providing of professional, personal, or other services for the purpose of gain or profit but does not include any activity carried on by the government, its agencies, or government owned corporations.

"Business Licence" means a valid and subsisting licence issued by the District that authorizes a Business, trade, profession, or other occupation, to be carried on within the jurisdictional boundaries of the District that has been approved and issued pursuant to this Bylaw.

"Bylaw Enforcement & Licensing Officer" means an officer or employee of the District to whom the District has delegated responsibility for inspection and enforcement relating to bylaw compliance.

"Cannabis Cultivation" means the cultivation, growth, propagation, harvesting, storage, distribution or destruction of medicinal or non-medicinal cannabis or hemp.

"Cannabis Processing" means the processing of cannabis, hemp, or products containing cannabis, hemp or cannabidiol (CBD) into value added goods including edibles, beverages, oils, creams, butters and concentrates.

"Cedar (a.k.a *Arborvitae*)" means any conifer commonly used for decorating gardens and designing landscapes that has either Latin name *Thuja occidentalis* and any cultivar or variety thereof.

"Contractor" means a Licencee who performs construction, building, carpentry, plastering, lathing, shingling, concrete work, or any other such work or service for profit or gain.

"Council" means the Municipal Council of the Corporation of the District of Peachland.

"District" means the Corporation of the District of Peachland or the area within the municipal boundaries thereof as the context may require.

"Drug Paraphernalia" means any product, equipment, thing, or material of any kind primarily used to produce, process, package, store, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in the *Controlled Drugs and Substances Act (Canada)* or cannabis as defined in the *Cannabis Act (Canada)*.

"Fireworks" means devices that explode or burn to produce visual or sound effects and such other explosive as may be designated as such by the Lieutenant-Governor in Council under the provision of the Fireworks Act of the Province of British Columbia or under the provision of the Canadian Explosives Act and its regulations, as the case may be, but does not include torpedoes, flares, fuses or similar pyrotechnic devices used by motorists, police or other agencies for signaling purposes or illumination.

"Garden Suite" means a secondary dwelling that is contained within an accessory building, other than a mobile home, on a lot containing a principal dwelling.

"Home-Based Business" means the use of a dwelling or accessory building for a Business that is conducted entirely within the dwelling or accessory building as a use that is secondary to the residential use.

"Home-Based Business Type" A Type I, Type II, or Type III Home Based Business has the same meaning as defined in the District's Zoning Bylaw No. 2100, 2014, as amended from time to time.

"Inter-Community Business Licence" means a business licence issued by a participating municipality, as identified in the Inter-Community Business Licence Bylaw No. 1857, that authorizes a Business to be carried on within the boundaries of any or all of the participating municipalities.

"Itinerant Show" includes a circus, animal show, horseracing, exhibition, and other entertainment events of a transient nature, when held elsewhere than in a licenced theatre or licenced place.

"Licencee" means a Person to whom a current Business Licence has been issued under this Bylaw.

"Licence Fee" means the fee as described in Development Application & Licence Fees Bylaw No. 2277, as amended from time to time.

"Licence Inspector" means a person appointed or designated pursuant to section 4.9 of this Bylaw.

"Licence Period" means the period of time in which a Business Licence is in force.

"Non-Medicinal Cannabis Store" means the retail sale and distribution of non-medicinal cannabis, products containing cannabis and/or related products at a physical storefront.

"Non-Profit Society" means a registered charitable society that is:

- a) incorporated and in good standing under the *Societies Act*; and
- b) registered as such under the *Income Tax Act (Canada)* and qualified to issue tax receipts to its donors.

"Non-Resident Business" means a business, other than a Resident Business, carried on within the District or with respect to which any work or service is performed within the District.

"Outdoor Vendor" means an independently operated vehicle, structure, or mobile apparatus occupying public space that is used to sell retail products, food or beverages, or to provide services for commercial sale or rental by a business entity to passers-by.

"Peace Officer" has the same meaning as defined in the *Interpretation Act*.

"Person" in addition to its usual connotation, includes a firm or partnership, association, company, society, body corporate or any other legal entity.

"Premises" means a store, office, warehouse, factory, building, house, enclosure, yard or other place occupied by any person for the purpose of any business, trade or occupation and will also mean any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is being carried on.

"Resident Business" means a Business carried on, in, or from a Premises within the District.

"Seasonal Business" means a Business carried on for less than six (6) months in a calendar year.

"Seasonal Sidewalk Business" means a Business seasonally utilizing the public space directly abutting its Premises.

"Secondary Suite" means one (1) or more habitable rooms within a dwelling with self-contained sleeping, living, cooking, and sanitary facilities and direct access to the exterior without passing through any part of the principal dwelling unit.

"Short-Term Business" means a Business carried on for less than 30 consecutive days in a calendar year.

"Transportation Services" includes taxi cabs, ride hailing services, professional driving services, safe ride home programs, and public transit.

PART 4 - GENERAL REGULATIONS

- 4.1 Except as otherwise provided in this Bylaw, no Person will carry on, maintain, own, or operate a Business within the District without holding a Business Licence.
- 4.2 Except as otherwise provided in this Bylaw, no Person will carry on, maintain, or operate a Garden Suite or Secondary Suite as a Business within the District without holding a Business Licence.
- 4.3 Except as otherwise provided in this Bylaw, no Person may carry on, maintain, own, or operate a Non-Resident Business within the District without holding a valid Inter-Community Business Licence.
- 4.4 If a Licencee operates a single Business in multiple different Premises, each Business is a separate Business for licencing purposes, and the Person operating the Business must obtain a separate Business Licence for each Business.
- 4.5 A Person who operates more than one Business in a Premises must obtain a separate Business Licence for each Business.

Licence Exemptions

4.6 No Business Licence is required with respect to:

- a) a performance or concert;
- b) a concession if:
 - i. the entire proceeds, above actual bona fide expenses, are devoted to charitable or community purposes; or
 - ii. it is held in a licenced theatre or other licenced place;
- c) an arts-and-crafts show;
- d) a home-and-trade show;
- e) a sidewalk sale; or
- f) a farmers market.

4.7 The following Non-Resident Businesses are not required to hold a Business Licence:

- a) commercial travellers offering merchandise for sale or for resale;
- b) owners or operators of carriers, other than Transportation Services, who retrieve passengers or cargo within the District for discharge or delivery outside the District or the converse;
- c) owners or operators of Transportation Services who only discharge passengers within the District;
- d) owners or operators of retail Businesses located in another municipality who:
 - i. deliver product sold by them; or
 - ii. retrieve product being returned or exchanged;
- e) a wholesaler, manufacturer or processor located in another municipality who delivers product sold by them to local merchant(s) for resale;
- f) a real estate agent whose Business Premises is located in another municipality; or
- g) a Business that holds a valid Inter-Community Business Licence.

Charitable Exemption

4.8 A Non-Profit Society is required to hold a Business Licence, but is only required to pay a nominal Licence Fee of \$1.00 per year.

Authority to Licence

4.9 Council appoints the Director of Planning & Development Services and the Bylaw Enforcement & Licensing Officer to serve as the Licence Inspector, who are authorized to carry out and administer the provisions of this Bylaw.

4.10 Council delegates to the Licence Inspector the powers of Council to grant a Business Licence if the Licence Inspector is satisfied that:

- a) the Applicant has fulfilled the requirements of this and all other District bylaws applicable to the Business and the Premises;
- b) the Applicant has fulfilled the requirements of all federal, provincial, local government, and

- First Nation's legislation applicable to the Business;
- c) the Applicant has paid the Licence Fee; and
- d) the Applicant does not have any outstanding fees or fines owing to the District in relation to the proposed Business, or any other Business operated by the same Applicant.

Sales Prohibition

4.11 The sales of the following are prohibited:

- a) Fireworks; and
- b) Cedar trees, shrubs or bushes

Licence Terms and Conditions

4.12 The Licence Inspector may grant a Business Licence that includes terms and conditions related to:

- a) the hours of operation of the Business;
- b) the maximum number of occupants or patrons allowed at the Premises;
- c) requirements for parking spaces;
- d) the provision and maintenance of public waste containers at the Premises;
- e) requirements regarding signage and patron identification;
- f) requirements for the protection of minors, including conditions on the display or sale of Drug Paraphernalia;
- g) compliance with a particular provision of a bylaw of the District or any other provincial or federal enactment within a specified period of time, including a requirement to provide the Licence Inspector with evidence of such compliance within a specified period of time;
- h) a requirement that a Person providing a personal health or wellness service, including an esthetician, massage therapist, or cosmetologist, meet specific qualifications;
- i) requirements for public health, safety and security in relation to the Premises;
- j) requirements for the prevention of nuisances, including conditions intended to reduce noise, dust, odours (including air filtration and ventilation requirements) or patron misconduct on and/or about the Premises; and
- k) requirements that, in the opinion of the Licence Inspector, are necessary to ensure that the Business does not have a negative impact on the public, the neighbourhood or other Businesses in the vicinity of the Premises.

4.13 Council or the Licence Inspector may amend terms and conditions on a Business Licence, as the need may arise, to address unforeseen concerns when the Business Licence was initially issued.

Licence Application

4.14 All applications for a Business Licence must:

- a) be in the form prescribed from time to time by the Licence Inspector for that purpose;
- b) be signed by the owner or operator of the Business or their duly authorized agent; and
- c) contain a true and accurate description of the following information:
 - i. the nature of the Business;
 - ii. the full names and civic residential addresses of all owners of the Business;
 - iii. the Premises, including the civic address, from which the Business is conducted;
 - iv. an after normal Business hours contact telephone number; and
 - v. any other information the Licence Inspector may require with respect to the operation of the Business and its location.

4.15 The issuance of a Business Licence is not a representation or warranty by the District that the Business or proposed Business complies with any or all applicable bylaws or enactments, and the Applicant or Licencee bears all responsibility to ensure that the Business or proposed Business complies with all applicable bylaws of the District and with all other federal and provincial enactments, laws, rules, codes, regulations or orders.

Licence Fees

4.16 Every Applicant must, at the time of making an application for a Business Licence, pay to the District the applicable Licence Fee.

4.17 The Licence Fee will be reduced by 50% in respect to a Business that becomes liable to be licenced after the first day of July in any year. This reduction does not apply to an Inter-Community Business Licence.

4.18 The District will not refund Licence Fees for any reason.

Licence Period

4.19 All Business Licences will have a Licence Period of one-year, commencing on the 1st day of January and terminating on the 31st day of December in each and every calendar year, unless otherwise stated in section 4.19.

4.20 The Licence Period identified in section 4.18 does not apply in the following instances:

- a) the Licence Period for a Short-Term Business is for the period requested in writing by the Applicant and approved by the Licence Inspector at the time the Business Licence is issued; and
- b) the Licence Period for a Seasonal Business is six (6) months.

Licence Posting

4.21 The Business Licence must be posted in a conspicuous place in the Premises, vehicle, place or structure for which the Business Licence was issued at all times that the Business is operating.

4.22 For a Non-Resident Business, the owner or operator must provide a valid business licence or Inter-Community Business Licence, or an electronic copy, to a Peace Officer or the Licence Inspector upon request.

Licence Renewal

4.23 Every Licencee that continues to carry on business in the District in subsequent calendar years must renew their Business Licence annually by paying the applicable Licence Fee to the District.

4.24 It will be incumbent upon each Licencee to renew such Business Licence prior to the beginning of each Licencing Period as long as such business is being carried on.

Licence Changes

4.25 A Licencee must not make a change to their Business, including, but not limited to a change:

- a) in the location of the Business Premises;
- b) to the name of the Business;
- c) to the owner or operator stated on the Business Licence;
- d) to the Licencee's contact information;
- e) to the nature of the Business;
- f) to any term or condition on which the Business Licence was issued; or
- g) that would increase the Licence Fee for a Business,

without first applying to the Licence Inspector to have the Business Licence changed. The same powers, conditions, requirements, and procedures relating to the granting or refusal of a Business Licence will apply to all applications for a Business Licence change.

4.26 A person applying for a Business Licence change must, at the time of applying, pay to the District the applicable Licence Fee for the change as well as any amount by which the Licence Fee may increase.

4.27 Every Licencee must notify the Licence Inspector in writing and surrender their Business Licence within forty-eight (48) hours of the termination of operation of the Business.

Refusal, Suspension and Cancellation

4.28 The Licence Inspector has the authority to refuse an application for a Business Licence or suspend or revoke a Business Licence for reasonable cause by providing the Applicant or Licencee with:

- a) written notice of and reasons for the refusal, suspension, or revocation; and
- b) an opportunity to be heard by Council.

4.29 Without limiting what constitutes reasonable cause for the refusal of an application of a Business Licence or the suspension or revocation of a Business Licence, the following may constitute reasonable cause:

- a) the Applicant or Licencee fails to comply with this Bylaw;
- b) the Applicant or Licencee fails to comply with a term or condition of the Business Licence;
- c) the Applicant or Licencee fails or ceases to meet the lawful requirements to carry on the Business at the Premises;
- d) the Applicant or Licencee is convicted of an offence that, in the opinion of Council or the Licence Inspector, directly relates to the Business;
- e) the Applicant or Licencee violates any bylaw of the District that is, in the opinion of Council or the Licence Inspector, in any way related to the Business or the Business Premises; or
- f) the Licencee has engaged in misconduct with respect to the Business or the Business Premises which, in the opinion of Council or the Licence Inspector, warrants the suspension or cancellation of the Business Licence.

4.30 If Council or the Licence Inspector suspends a Business Licence:

- a) the suspension is for such period of time as Council or the Licence Inspector may determine; and
- b) Council or the Licence Inspector may impose additional terms and conditions that the Licencee must meet in order to obtain a Business Licence at the end of the suspension period.

4.31 If Council or the Licence Inspector suspends or cancels a Business Licence:

- a) the Licence Inspector must provide notice of the suspension or cancellation to the Licencee pursuant to the notice provisions outlined in this Bylaw; and
- b) the Licencee must surrender the Business Licence to the Licence Inspector.

4.32 Notwithstanding the notice provisions in this Bylaw, the Licence Inspector may post a notice of the suspension or cancellation of a Business Licence upon the Premises for which the Business Licence was issued, and such notice will not be removed until the Business Licence is reinstated or the Business ceases to occupy the Premises.

Notice

4.33 The Licence Inspector may deliver written notice to an Applicant or Licencee personally or by mail:

- a) if the Applicant or Licencee is a corporation, by delivering or mailing the notice to the corporation's registered office; or
- b) by delivering or mailing the notice to the address of the Applicant provided on the application or to the address of the Business subject to the Business Licence.

4.34 Notice delivered in accordance with section 4.32 is presumed to have been received by the Applicant or Licencee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

Reconsideration by Council

4.35 If the Licence Inspector refuses to grant, suspends, cancels or imposes terms and conditions upon a Business Licence, the Applicant or Licencee who is subject to that decision may request that Council reconsider the Licence Inspector's decision by, within ten (10) business days of the date of receiving notice of the Licence Inspector's decision, delivering to the Corporate Officer a written request stating the grounds upon which the request for reconsideration is based.

4.36 Upon receipt of the written request for reconsideration by the Applicant or Licencee, the reconsideration process will follow the procedures established in the Development & Licence Approval Procedures Bylaw No. 2278.

PART 5 - SPECIFIC PROVISIONS

Bed & Breakfast

- 5.1 A Bed & Breakfast (Suite) or a Bed & Breakfast (Traditional) must be operated at the Licencee's principal residence.
- 5.2 Every Applicant for a Business Licence to operate a Bed & Breakfast (Suite) or a Bed & Breakfast (Traditional) must provide the Licence Inspector with the number of bedrooms intended for operation and disclose whether meals are to be provided.
- 5.3 An owner or operator of a Bed & Breakfast (Suite) or a Bed & Breakfast (Traditional) must:
- a) maintain records of all patrons, pursuant to the *Hotel Guest Registration Act*, to be provided upon request to a Peace Officer or the Licence Inspector;
 - b) post a copy of the fire evacuation plan, showing the location of exits, fire extinguishers, and smoke detectors, in each guest room;
 - c) accommodate no more than eight (8) patrons at the Premises at any one time including boarders and lodgers; and
 - d) provide one designated parking spot on the Premises per bedroom, to be used exclusively for patron vehicles, and clearly marked as such.
- 5.4 A Bed & Breakfast (Suite) must:
- a) comply with the fire and life safety standards for a Secondary Suite as established in the BC Fire Code; and
 - b) comply with all requirements for a Secondary Suite as established in the BC Building Code.

Cannabis Cultivation & Cannabis Processing

- 5.5 Every Applicant for a Cannabis Cultivation or Cannabis Processing Business Licence must, for any building or part of a building where cannabis is to be produced, packaged, labelled or stored, provide evidence to the Licence Inspector as to how the building will be equipped with a system that filters air to prevent the escape of odours and a written program for its maintenance prepared and sealed by a professional engineer licenced in the Province of British Columbia.
- 5.6 Any building or structure used for Cannabis Cultivation or Cannabis Processing, or any area used for the drying, storing or packaging of cannabis, must be operated with a negative pressure differential between the inside and outside of the building. Exhaust must be collected and treated through a biofilter that is designed by a professional engineer licenced in the Province of British Columbia to:
- a) remove 100% of the odours reasonably detectable from the property line; and
 - b) comply with any requirement of the Ministry of Environment or the *Environmental Management Act*.

5.7 Every Cannabis Cultivation or Cannabis Processing operation must have an air quality monitoring program which provides verification that the system, including the biofilter, is operating effectively. Monitoring will be submitted to the Licence Inspector:

- a) at three (3) months and nine (9) months following the commencement of operations; and
- b) every subsequent twelve (12) months.

5.8 A Cannabis Cultivation or Cannabis Processing Business must be operated in such a manner that no odour, light, glare, or noise associated with Cannabis Cultivation or Cannabis Processing escapes from the Premises. For the purpose of this section, odour, light, glare or noise have escaped from the boundaries of the Premises if they are reasonably detectable by the Licence Inspector at the boundary of the Premise's parcel and deemed to create a nuisance to neighbouring properties by the Licence Inspector.

Contractor

5.9 A Contractor must:

- a) only use sub-contractors who hold a Business Licence or Inter-Community Business Licence; and
- b) within two (2) weeks of delivery of a written request by the Licence Inspector, provide a list of all sub-trades engaged on each specific job.

Home-Based Business

5.10 A Home-Based Business must be operated at the Licencee's principal residence.

5.11 All parking for customers and staff at a Home-Based Business must be contained on the property and each parking space must be clearly marked as such.

5.12 The required number of on-site parking spaces for a Home-Based Business are as follows:

| Home-Based Business Type | Required Parking Spaces |
|--------------------------|-------------------------|
| Type I | One (1) space |
| Type II | Two (2) spaces |
| Type III | Four (4) spaces |

5.13 Parking spaces identified for a Home-Based Business are for the exclusive use of the Home-Based Business and do not count towards parking requirements for a principal dwelling, Secondary Suite or Garden Suite.

5.14 The maximum number of patrons permitted at a Home-Based Business at any one time are as follows:

| Home-Based Business Type | Maximum Number of Patrons |
|--------------------------|---------------------------|
| Type I | Two (2) |
| Type II | Four (4) |
| Type III | Eight (8) |

Non-Medicinal Cannabis Retail Store

5.15 Every Applicant for a Non-Medicinal Cannabis Retail Store must supply the Licence Inspector with:

- a) a security plan deemed acceptable by the Licence Inspector;
- b) a certificate of title or a lease for the Premises demonstrating that the Applicant is the registered owner or lessee of the Premises; and
- c) contact information for a responsible person available to be contacted at anytime.

5.16 Every Non-Medicinal Cannabis Retail Store must have:

- a) a monitored security and fire alarm system(s);
- b) a video surveillance system that:
 - a. is operated twenty-four (24) hours per day;
 - b. monitors all entrances, exits, and interior areas of the Premises, excluding washrooms, change rooms, or other areas where a Person has a lawful expectation of privacy; and
 - c. retains video surveillance data for a minimum of thirty (30) days from the date the data was captured;
- c) an air-filtration system on the Premises to control odour;
- d) transparent store fronts and views into the store from the street unless otherwise required by Provincial licencing guidelines;
- e) signage at the entrance prohibiting unaccompanied persons under the age of nineteen (19) years; and
- f) a maximum of one (1) sign at the Premises which states the name of the Business.

5.17 A Licencee of a Non-Medicinal Cannabis Retail Store must not permit a Person under nineteen (19) years of age to enter or remain on the Premises of a Non-Medicinal Cannabis Retail Store unless accompanied by a parent or guardian over nineteen (19) years of age.

Outdoor Vendor

5.18 Every Applicant for an Outdoor Vendor Business Licence must:

- a) complete and submit an Outdoor Vender application for consideration by the Licence Inspector; and
- b) supply the Licence Inspector with evidence that all vehicles intended for use by the vendor are insured under a comprehensive liability policy for two million dollars (\$2,000,000) with the District named as an additional insured and saved harmless. Overage under the policy cannot be cancelled, or any provisions changed or deleted unless thirty (30) days prior written notice has been given to the District by the insurer.

5.19 An owner or operator of an Outdoor Vendor Business must:

- a) operate only within the approved licence area as defined by the District in consideration of public safety and traffic;
- b) ensure the Premises is free of litter;
- c) remove recycling and garbage containers from the Premises after each business day;

- d) maintain the vehicle, structure or mobile apparatus being used for the Business in good repair;
- e) keep all items associated with the Business inside its assigned space including but not limited to signage, tables and displays;
- f) remove all structures, appurtenances and other property from the site at the end of each Business day;
- g) vacate or relocate from the designated licence area at any time as the District requires; and
- h) comply with all provisions of the *Motor Vehicle Act*, as well as all District bylaws and Provincial enactments with respect to traffic and the use of highways within the District.

Rental/Lease of Watercraft

5.20 A Licencee that rents or leases personal watercrafts must include the following terms and conditions in the rental/lease agreements with their patrons:

- a) the hours of operation for watercraft rentals are limited to the hours between 9:00 a.m. and 9:00 p.m.;
- b) all watercrafts, while on plane or overtaking, must be at least forty-five (45) metres away from all other watercrafts;
- c) if a watercraft is not on full plane, it may come up to other boats; and
- d) all watercrafts must be operated a minimum of one-hundred fifty (150) metres away from the shoreline, and never over the littoral shelf, unless using the most direct route to and from shore, except when entering a launch point or marina.

5.21 An owner or operator of a Business that rents or leases personal watercrafts must:

- a) record the name of the renter/leasee and the unit number of the watercraft for each rental;
- b) ensure that all renters/leasees have a valid licence to operate the watercraft; provide the renter/leasee with basic watercraft operating and safety rules and instructions, prior to the rental or lease;
- c) ensure that all watercrafts are permanently marked with a minimum of 7.6 cm (3 in) high letters or numbers which identify the name of the rental operator and the unit number of the watercraft; and
- d) patrol the areas in which their rented watercrafts are operated, in order to enforce compliance with the requirements of this Bylaw.

Restaurant

5.22 A restaurant must receive approval from Interior Health prior to operating, and must not receive a high hazard rating or failing grade on any inspection conducted by Interior Health.

5.23 An owner or operator of a restaurant must:

- a) clean out grease traps as frequently as required to prevent obstruction of the sanitary sewer by food waste;
- b) submit a grease trap inspection report upon request of the Licencing Inspector; and
- c) open the lid of the grease trap for inspection purposes at the request of the Licencing Inspector.

Seasonal Sidewalk Business

5.24 A Seasonal Sidewalk Business must be authorized through an encroachment agreement with the District and must comply with all applicable District bylaws and policies relating to the establishment of a Seasonal Sidewalk Business.

Secondary Suite & Garden Suite

5.25 An owner or operator of a Secondary Suite or Garden Suite must:

- a) be in compliance with all of the District's bylaws, policies, and requirements related to Secondary and Garden Suites;
- b) provide a designated parking spot(s) to be used exclusively for the vehicles of the suites' tenant(s) and each parking space must be clearly marked as such;
- c) obtain a suite occupancy permit in the form provided for that purpose from the District's Building Inspector;
- d) maintain records of all renters, to be provided upon request to a Peace Officer or the Licence Inspector;
- e) maintain the suite to the standards that were required to obtain the suite occupancy permit; and
- f) maintain the suite address with an unobstructed view from the fronting street, as well as the location of the access to the suite noted by an arrow.

PART 6 - ENFORCEMENT AND PENALTY

Inspection

- 6.1 Every owner or operator of a Business must provide any information with respect to the Business as the Licence Inspector reasonably requests for the purpose of ensuring that the requirements of this Bylaw are being fulfilled.
- 6.2 Subject to the *Community Charter*, the Licence Inspector or any appointed officer of the District engaged in the administration or enforcement of this Bylaw, are hereby authorized to enter a Premises, vehicle, or other place in respect of which a Business Licence has been applied for or granted pursuant to this Bylaw, at all reasonable times to inspect and determine whether the regulations and requirements of this or any other bylaw and the Business Licence are being observed.
- 6.3 No person will obstruct the Licence Inspector or any appointed officer of the District engaged in the administration or enforcement of this Bylaw.
- 6.4 Any Person who:
 - a) Contravenes, violates, fails or neglects to comply or do anything required by any provision of this Bylaw; or
 - b) Suffers or allows any act or thing to be done in contravention of this Bylaw,

commits an offence and upon conviction will be liable to a fine of not more than two thousand (\$2,000) dollars, and where the offence is a continuing one, each day that the offence is continued will constitute a separate offence.

6.5 This Bylaw may be enforced by:

- a) a Peace Officer or the Licence Inspector;
- b) proceedings brought under the *Offence Act*; or
- c) means of a bylaw notice as authorized by the *Local Government Bylaw Notice Enforcement Act* and fines imposed under the District's Bylaw Notice Enforcement Bylaw No. 2275, as amended from time to time.

6.6 A Peace Officer or the Licence Inspector may refer any disputed bylaw notices to the Provincial Court and may represent the District in any related proceedings.

No Duty of Care

6.7 Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to a Business Licence issued under this Bylaw, will be interpreted as giving rise to a cause of action in favour of any Person.

This Bylaw will take effect upon its adoption by the Council of the District of Peachland.

READ A FIRST TIME, this 23rd day of June, 2020.

READ A SECOND TIME, this 23rd day of June, 2020.

READ A THIRD TIME, this 23rd day of June, 2020.

FINALLY RECONSIDERED AND ADOPTED, this 8th day of September, 2020.

Mayor

Corporate Officer

Dated at Peachland, B.C.

This day of , 2020.