



## **THE CORPORATION OF THE CITY OF DAWSON CREEK**

### **ANNUAL BUSINESS LICENCE & REGULATION BYLAW NO. 4288, 2016**

#### **CONSOLIDATED VERSION FOR CONVENIENCE ONLY**

This is a consolidation of the bylaws listed below. Amendments have been incorporated with the parent bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the subject bylaw.

Amendment Bylaw 4357, 2017 incorporated  
Amendment Bylaw 4389, 2018 incorporated  
Amendment Bylaw 4465, 2020 incorporated  
Amendment Bylaw 4483, 2021 incorporated

**THE CORPORATION OF THE CITY OF DAWSON CREEK**

**BYLAW NO. 4288**

A Bylaw of The Corporation of the City of Dawson Creek (hereinafter called "the City") to provide for licensing and regulations pertaining to the carrying on of businesses within the corporate boundaries of the City of Dawson Creek.

**WHEREAS**, Pursuant to the *Community Charter*, Council may provide for a system of business Licences;

**WHEREAS**, the Council of the City, in open meeting assembled, enacts as follows:

**SECTION 1 – TITLE**

1.1 This Bylaw shall be cited as "**ANNUAL BUSINESS LICENCE & REGULATION BYLAW NO. 4288, 2016.**"

**SECTION 2 - DEFINITIONS**

2.1 In this Bylaw the following words and terms have the following meanings assigned to them:

**"Apartment House"** means any building or portion thereof (not being a lodging house or a hotel) which is occupied or intended to be occupied or capable of occupation by three or more persons or families living independently of each other. This includes garden apartment or row house (but not motel or auto court); Provided that:

- a. a building owned by a corporation where:
  - (i) such corporation operates on a non-profit basis; and
  - (ii) the Memorandum of Association of such corporation stipulates that such a building shall be owned and operated for the benefit of occupant shareholders only; and
  - (iii) the regulations of such corporation prohibit the occupation of accommodation in such building by any person who has not subscribed for shares in the corporation approximately equivalent in par value to the capital cost of the accommodation occupied or who is not the husband or wife, father or mother, son or daughter, brother or sister of such a shareholder;

shall not be deemed to be an apartment house so long as such building is occupied only in compliance with the provisions set out above.

For the purpose of ascertaining whether or not such building is an apartment house, the Licence Inspector shall be furnished, as and when he may require, proof of the facts by Statutory Declaration from an officer of the corporation.

**"Arcades"** means a building or room in which electronic video games and pool are played.

**"Auction Market"** means a facility or area which sells livestock or other articles by Auction.

**"Bank"** means a chartered bank as defined by the Bank Act of Canada or a business that accepts money on deposit for custody, subject to cheque or draft, or a business which discounts bills, notes or drafts.

**“Business”** means the carrying on of a commercial or industrial undertaking of any kind or the providing of professional, personal or other services for the purpose of gain or profit.

**“Bylaw Enforcement Officer”** means a person or persons appointed from time to time by resolution of City Council pursuant to Section 36 of the Police Act, the purpose of which is to enforce regulatory bylaws of the municipality.

**“Cannabis Production”** means a licenced producer of cannabis as authorized under the Cannabis Act.

**“Cannabis Sale”** means a retailer of cannabis as authorized under the Cannabis Control and Licencing Act (BC).

**“Carrying on a Business”** without restricting the generality of the term, shall include any person who advertises himself by newsprint, publicity or otherwise as open for business of any kind, or who deals in, or buys, sells, barter, displays or offers by advertisements or otherwise to buy, sell or barter commodities or other things of any kind, either on behalf of himself or others, or who advertises himself as open to render professional or other services to any other person for the purpose of gain or profit, shall be deemed to be carrying on, engaged in or practising within the City, his respective profession, business, trade, occupation, employment, calling or purpose.

**“Casino/Adult Gaming Centre”** means the use of premises for the purpose of playing or operating games of chance or mixed chance and skill on which money may be wagered, for which a licence has been issued by The Ministry of Public Safety and Solicitor General and includes a bingo hall.

**“Chief Administrative Officer”** means the municipal officer of the City of Dawson Creek, as appointed by Council, assigned responsibility under Section 147 of the *Community Charter*.

**“Chief Financial Officer”** means the municipal officer of the Corporation of the City of Dawson Creek, as appointed by Council, assigned responsibility under Section 149 of the *Community Charter*.

**“City Building Inspector”** means the person so appointed by Council for the purpose of enforcing and carrying out the provisions of this Bylaw and shall include any Acting or Assistant Building Inspector.

**“City Collector”** means the Collector of the Corporation of the City of Dawson Creek as appointed by Council.

**“City Solicitor”** means the Solicitor of the Corporation of the City of Dawson Creek as appointed by Council.

**“Contractor – General”** means any person, corporation, company, firm, or organization engaged in the business of general engineering construction in the sense that contracts are entered into for substantially complete services involving responsibility for a number of recognized building or engineering trades under one contract and shall include such persons carrying out general building construction whether such construction is carried out for himself or for others. General building construction shall include the erection, finishing, alteration and addition to buildings and structures wherein more than one recognized building trade is involved at any one time.

General engineering construction shall include the construction of towers, bridges, pipelines, dams, roads, earthwork, water and drainage systems, and the like, and in the course of such work employs or

uses more than one contractor or, during the course of business, included three or more contractors and employs more than four people.

**“Contractor - House Builder”** means a contractor who confines his business to house construction not exceeding four units annually.

**“Contractor – Sub”** means any person performing or engaged to perform in the construction or associated trades, either for his own use or benefit or for that of another, any work within the municipality whether such work is undertaken on an hourly, daily, weekly or monthly basis, labour basis, contract basis or cost-plus basis or otherwise, and includes the classifications set out in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time.

**“Convenience Shop”** means a retail store, which for the local convenience and well-being of the residents of the City (remains open for business after 2100 hrs. (9:00 p.m.) on no fewer than six evenings each week of the year.

**“Corporate Officer”** means the municipal officer of the City of Dawson Creek, as appointed by Council.

**“Council”** means the elected Mayor and Councillors of the Corporation of the City of Dawson Creek.

**“Day Care”** (Maximum 10 hours per day)

- a. **Family Day Care** - allows a maximum of 5 children from infancy to school age (of which only 1 child may be under the age of 1 year). (Must be licenced by the Province if person cares for more than 2 children not related to the caregiver).
- b. **Group Day Care** - allows a maximum of 25 children between 3 years and school age **or** 20 children between 2 years and school age **or** 12 children between 18 months and 36 months. Provincial licensing is required.

**“Day Care”** (Maximum 3 hours per day)

- a. **Nursery School (or Pre-School)** - maximum of 20 children between 32 months and school age. Must be licenced by Province.
- b. **Child Minding** - maximum of 15 children between 18 months and school age **or** 20 children between 3 years and school age. No child may attend more than 3 hours, 2 days per week. Provincial licensing is required
- c. **Out-of-School Care** - for children of school age for periods of time before and after school hours (may be extended to 10 hours per day during times of school closure). Maximum of 20 children if children are in Kindergarten or Grade 1 **or** maximum of 25 children if they are in Grade 2 or older. Provincial licensing is required.
- d. **Specialized Day Care** - (can be full-time or part-time) for special needs children from infancy to school age. Maximum of 15 children. Provincial licensing is required.

**“Dining Lounge”** means a licenced dining room permitted under the Liquor Control Licensing Act and amendments thereto.

**“Direct Seller”** means a person who invites or makes appeals, or requests or importunes by personal contact upon the premises of any resident of the City without specific invitation, business, patronage or support of the said resident.

**“Electronic Gaming”** means games of chance available by video or computer terminal.

**“Entertainment”** means and includes vaudeville acts, stage dancing, conjuring, singing, instrumental or orchestral music.

**“Fire Chief”** means the person appointed by the Chief Administrative Officer to be in charge of the Fire Department for the City of Dawson Creek, or their designate.

**“Floor Area”** means that area within a building that is used for display purposes, or to service customers, but shall not include those areas set aside exclusively for the purpose or use of the employees or participants of the business.

**“General Manager of Development Services”** means the person appointed by the Chief Administrative Officer to be in charge of the Development Services Department for the City of Dawson Creek, or their designate.

**“Ground Area”** means the area outside a building that is used for display purposes, or to service customers, but shall not include those areas set aside exclusively for the purpose of the employees or participants of the business.

**“Handicrafts and Arts”** means any occupation carried on for consideration using personal skills, is owner operated and is not being carried on from fixed commercial premises; for example: sewing, knitting, teacher of music, singing or dancing, ceramics, macramé, etc.

**“Home Occupation”** means business carried on entirely within a dwelling unit without the need for structural alteration except where it involves horticulture (See Zoning Bylaw for more complete definition).

**“Hotel”** means a hotel which operates two or more categories of businesses from the same facility under the ownership of the hotel. Business shall include but are not limited to room rental, cabaret, gift shop, restaurant, dining lounge. Liquor sales are not included in hotel licencing and require a separate licence.

**“Junk”** means and includes any used or old article or thing.

**“Junk Dealer”** means any person who carries on the business of purchasing or selling junk or carries on the business of a junk shop, junk store or junk yard.

**“Kindergarten or Play School”** see "Day Care - Nursery School".

**“Licence Inspector”** means the person designated for the purpose of enforcing and carrying out the provisions of this Bylaw and shall include the General Manager of Development Services.

**“Long-term Rental”** means the rental of a legal dwelling unit for periods of 30 days or longer.

**“Lounge”** means any lounge as defined by the Liquor Control and Licensing Act and amendments thereof.

**“Mail Order”** means and includes a business where orders are taken by any person either on his own behalf or as an agent for another for the sale of goods, wares or merchandise kept in stock for retail sale outside the City, or where such business is carried on in conjunction with the business of a retail or wholesale trader or merchant resident in the City.

**“Manufacturer”** means any person employed in the processing of raw materials to a finished product.

**“Manufacturer's Agent”** means any person engaged in the business of representing a manufacturer as a sales agent to commercial and industrial businesses.

**“Medical Health Officer”** means the Medical Health Officer duly appointed by the Province of British Columbia for the municipality and includes any Acting or Assistant Medical Health Officer.

**“Messenger and Express Service”** means any person carrying on the business of delivering or collecting messages or packages or any form of good or things or doing errands for the public for gain or profit.

**“Mobile Food Vendor”** means a self-contained vehicle designed for the purpose of food and beverage preparation and sales for take away consumption.

**“Motel”** means a building comprising not less than two sleeping units or dwelling units, occupied or intended to be occupied temporarily by tourists or transients, and each unit having its own parking space conveniently located on the site and each sleeping unit being self-contained, having its own bathroom with wash basin, water closet and bath or shower.

**“Municipality”** means the area being governed by the Corporation of the City of Dawson Creek (that area of land lying within the City boundaries).

**“Neighbourhood Pub”** means a building located in or near a residential area and which is regulated by the Liquor Control Board, where people meet to socialize.

**“Non-Resident Business”** means a business, other than a resident business, carried on within the City, or with respect to which any work or service is performed within the City limits.

**“Person”**

- a. in addition to its ordinary means, shall mean and include a partnership, association, company, society, body corporate and, in the singular, shall mean and include the plural and, in the masculine, shall mean and include the feminine or converse.
- b. persons engaged in the business shall mean and include the owner or proprietor, assistants and employees, including part-time and casual employees.

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

**“Resident Business”** means a business carried on in or from premises within the City limits of Dawson Creek.

**“Restaurant”** means any dining room, coffee shop, coffee counter, tea room, ice cream parlour, eat-in or take-out establishment or any other place, whether permanent or temporary, fixed or movable, in which prepared foods and/or beverages are served to the public in exchange for money or services, or any place to which the public has access for the purpose of purchasing prepared foods or beverages for human consumption on or off the premises.

**“Retail Trader”** means every person who sells or offers for sale to any other person by retain, any goods, wares, merchandise or other commodity.

**“Rooming House”** means any building or portion thereof that is used for the purpose of gain or profit by renting or leasing rooms.

**“Second Hand Dealer”** shall be held and construed to mean and include every person licenced under the provisions of this Bylaw to keep a second hand store or shop or to carry on the trade or business of a dealer in second hand (used) goods, wares, merchandise or effects of any description.

**“Security Service and Patrol”** means any person who, by contract or agreement, undertakes to watch or patrol the premises of more than one person for the purposes of guarding and protecting persons and/or property against robbery, theft, burglary or other hazards.

**“Self Serve Gas Station”** means an establishment where gasoline is sold at retain and where the customer is required to serve himself, and which business does not provide staff to undertake mechanical repair and other services as offered by a service station.

**“Service Station”** means an establishment used for the dispensing of gasoline and for the servicing of motor vehicles and the sale of motor vehicle accessories from a building or structure on the same site containing at least two (2) fully equipped and operating service bays capable of handling motor vehicles and providing oil changes, lubrications, tune-ups and other similar repairs and services.

**“Short-term Rental”** means the rental of a dwelling unit or portion thereof for periods of less than 30 days.

**“Staff Sergeant”** means the Staff Sergeant of the R.C.M.P. Detachment serving the City and shall include any Acting or Deputy Staff Sergeant, or the Officer in Charge (or his deputy) of the R.C.M.P. detachment serving the City.

**“Storage Area”** means and includes any outdoor area adjacent to or forming part of any business premises, but shall not include that portion of any area set aside for free parking facilities provided by the owner or operator of the business for the exclusive use of customers.

**“Vending Machine”** means any machine or device operated by the insertion of any slug or coin for the purpose of selling or disposing of any goods, wares, merchandise or articles, or for the purpose of providing music, games, amusement or service of any kind but shall not mean or include any machine or device that is controlled by the Criminal Code of Canada, which emits or gives out therefrom any coin, disc, token or slug, either with or without the accompaniment of any goods, wares, merchandise or articles, or of any premium whatsoever, or any machine or device, wherein by operation as aforesaid, any numerals, signs, pictures, or figures, or any combination thereof, are displayed or result from the playing or operation of any such machine or device.

### **SECTION 3 – LICENCE REQUIRED**

- 3.1 Every person using, following, practising, carrying on, maintaining, owning or existing within the City, any trade, business, calling, profession, occupation, employment, undertaking or thing classified, enumerated, described, named or set forth in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time, shall take out and maintain a licence paying in advance for such licence the sum as specified.
- 3.2 Every applicant applying for a licence to carry on a business for the first time shall:
- a. make application to the Licence Inspector on the applicable form provided by the City.
  - b. complete and sign the application form and deliver it to the Licence Inspector (or person designated by him), accompanied by the fee set out in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time.

This subsection does not apply to any non resident registered professional providing services within the municipality who holds a business licence in another municipality.

- 3.3 Where a business is carried on, in, or from more than one premise within the municipality, the business being carried on, from, or in each premise shall be deemed to be a separate business.
- 3.4 Any person who takes out and maintains a business licence in the City shall operate that business in compliance with all applicable bylaws of the City of Dawson Creek, including this bylaw, and all applicable enactments, laws, rules, codes, regulations or orders of the Government of Canada, the Province of British Columbia, and any other authority having jurisdiction over the business.

### **SECTION 4 – DUTIES OF A LICENCE INSPECTOR**

- 4.1 Subject to Council policy, the Chief Administrative Officer may, from time to time, appoint a person to be Licence Inspector or Assistant Licence Inspector, whose duty it will be to carry out and enforce the provisions of this Bylaw.
- 4.2 Subject to Council policy, the Chief Administrative Officer may, from time to time, appoint a person as Chief Licence Inspector or Assistant Licence Inspector(s) with like duties and powers delegated to the Licence Inspector by the provisions of this Bylaw.
- 4.3 The Licence Inspector or his assistant, is hereby authorized to enter at reasonable times upon any property, vehicle, premises or other place in respect of which a licence has been granted pursuant to this Bylaw.
- 4.4 All fees collected by the Licence Inspector under this Bylaw shall be paid to the Chief Financial Officer who shall deal with the said fees in the manner provided by the Act.
- 4.5 The Licence Inspector shall have the authority to grant, issue or transfer licences as hereinafter provided within the provisions of Section 60 of the Community Charter.
- 4.6 Before any licence is issued, the Licence Inspector shall be satisfied that the premises for which the licence is sought shall not violate the provisions of the Zoning Bylaw of the City.



- 4.7 Before any licence is issued by the Licence Inspector, the premises for which the licence is sought must be approved by all authorities having jurisdiction over the business or the premises from which the business will be carried on. Letters of approval or certificates of approval shall be submitted to the Licence Inspector upon request.
- 4.8 Before any licence is issued to any person to carry on a business that is classified herein as requiring insurance coverage, such proof of insurance coverage shall be submitted two weeks prior to the requirement of such business licence. The manner of proof shall be in a form acceptable to the Chief Financial Officer.
- 4.9 Every licence granted pursuant to this Bylaw shall state that the holder is licenced to carry on the business stipulated therein in a lawful manner for the period specified.
- 4.10 Every licence shall be considered as a personal licence to the licensee therein named and shall not be transferable to any other person.
- 4.11 The Licence Inspector shall have the authority to classify each application for business licence according to the categories listed herein. The applicant may appeal such classification to Council.
- 4.12 Where the licence Inspector has refused to grant a licence, the applicant may appeal the Licence Inspector's decision to Council. Such appeal shall be made in writing and shall state, in a concise manner, the grounds upon which the appeal is made. The Council, as it may deem fit, may appoint a time and place for the hearing of the appeal and may confirm or set aside such denial.

#### **SECTION 5 – APPLICATION FOR LICENCE**

- 5.1 Every person applying for a licence shall complete the application form supplied by the Licence Inspector.
- 5.2 An application for the first time, or a transfer of a licence, shall be signed by the owner of the business or his duly authorized agent.
- 5.3 The application form shall be delivered to the Licence Inspector and shall be accompanied by the prescribed fee according to the classification of such business as approved by the Licence Inspector.
- 5.4 The Licence Inspector is hereby authorized to interpret the wording of an application where such wording is not concurrent with the interpretations and the classifications stated herein.

#### **SECTION 6 – LICENCE FEES**

- 6.1 Every person required to be licenced under the provisions of this Bylaw is required to pay for such licence in advance of the due date shown on the licence and all licence renewal fees are due and payable on January 1st in any year in the amounts as stated in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time.
- 6.2 For any person who becomes liable to be licenced after the 31st day of July in any year, the fee shall be reduced by one-half the annual licence fee. The provision in this subsection shall only apply to the first licence issued to any specific business.

**SECTION 7 – LICENCE TO BE POSTED**

- 7.1 Every person granted a business licence under this Bylaw shall cause such licence to be posted in a conspicuous place on the premises or on the article or on the vehicle or at the location in respect of which the licence is issued.

**SECTION 8 – CHANGES AFFECTING LICENCE**

- 8.1 Every person granted a business licence under this Bylaw shall notify the Licence Inspector in writing of:
- a. Any change in the mailing and/or business address. When it is intended to relocate the business, a business licence application form must be completed and submitted for approval prior to such relocation.
  - b. Any change in the classification of the business.
  - c. Any structural change in the premises in which the business is being carried on, in order for the Building Inspector to ensure that changes conform to the Zoning and Building bylaws.
- 8.2 Every person granted a business licence under this Bylaw, where the licence fee for the business is based on the number of machines or number of rental units, shall notify the Licence Inspector of any proposed change in the number of machines, or number of rental units, before commencing any change.

**SECTION 9 – TRANSFER OF LICENCE**

- 9.1 Any person desiring to transfer a business from the location for which the business licence was issued to different premises within the municipality, shall make application in the same manner as required to obtain a licence under this Bylaw and the powers, conditions and requirements relating to the granting or refusal of licences and appeals herein shall apply. The fee for such licence shall be as specified in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time but may be prorated as provided under Section 6.2.
- 9.2 No person who purchases the interest of any person licenced pursuant to this Bylaw shall carry on or continue such business without first making application for a new licence pursuant to the requirements of Section 3 of this Bylaw. The fee for such licence shall be as specified in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time but may be pro-rated as provided under Section 6.2. Where the change of ownership results from the purchase of the shares of a limited or incorporated company and the business is to be continued under the same name or trade style, a new licence will not be required but a signed licence application must be completed prior to continuance of the said business.
- 9.3 A limited or incorporated company making a change in the company name may obtain a transfer of their licence to the new name, unless the change involved the sale or transfer of more than 50% of the voting shares. A signed licence application must be completed prior to continuance of business in the new name.

If more than 50% of the voting shares are involved, then application must be made for a new licence pursuant to the requirements of Section 3 of this bylaw. The fee for such licence shall be as specified in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time, but may be pro-rated as provided under Section 6.2.

## **SECTION 10 – PERIOD OF LICENCE**

- 10.1 Except as hereinafter provided, licences shall be issued for a twelve month period to commence on the first day of January and to terminate on the thirty-first day of December in each and every year. No licence fee paid hereunder shall be refundable.
- 10.2 The period for a licence in respect of a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment, or exhibition may be for twelve months or one day and the period requested shall be submitted in writing with the application for a licence.
- 10.3 The period for a licence with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be one day.
- 10.4 The period for a licence in respect of horse racing shall be one day.

## **SECTION 11 – SUSPENSION AND REVOKING OF LICENCE**

- 11.1 Subject to Parts 2 and 3 of the Community Charter, the Licence Inspector may suspend any licence for any period he may determine if the holder of the licence:
  - a. is convicted of an offence indictable in Canada;
  - b. is convicted of an offence under any Municipal Bylaw or Statute of the Province of British Columbia in respect of the business for which he is licenced or with respect to the premises named in his licence;
  - c. has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or in respect to the premises named in his licence as to warrant the suspension of his licence;
  - d. has ceased to meet the lawful requirements to carry on the business for which he is licenced, or with respect to the premises named on his licence;
  - e. has, in the opinion of such official, conducted his business in a manner, or performed a service in a manner, or sold, offered to sell, displayed for sale or distributed to a person actually or apparently under the age of sixteen years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.
- 11.2 The suspension of a licence by the Licence Inspector shall be made in writing signed by the Licence Inspector and served on the person holding such licence or delivered to the holder of such licence by registered mail to the address given by the licensee on the application for licence form. A notice of suspension may be posted by the Licence Inspector upon such premises for which the licence was issued and such notice shall not be removed until the licence is reinstated or the suspended licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started on the premises.

Any person whose licence has been suspended under Sub-Section 11.1, may appeal to the Council and upon such appeal, the Council may confirm or may set aside such suspension on such terms as it may think fit.

- 11.3 No person whose licence has been suspended shall carry on the business for which the licence was required by this Bylaw during the period of suspension of such licence.
- 11.4 The Council may revoke a licence for reasonable cause, after giving notice to the licensee in writing and giving the licensee an opportunity to be heard.
- 11.5 The notice and opportunity to be heard referred to in Sub-section 11.4 above is not required in respect of a licensee who, by reasonable efforts, cannot be found.
- 11.6 Any person whose licence has been suspended, or who has failed to obtain a licence, or who wishes to appeal the classification as given by the Licence Inspector, may appeal to the Council by giving notice to the Corporate Officer of his intention to appeal. Such appeal shall be made in writing and shall state in a concise manner the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal and may conform or set aside such decisions made by the Licence Inspector, as it may deem fit.

Refusals: The Council may, upon the affirmative vote of at least two-thirds of all members refuse, in any particular case, to grant the request of an applicant for a licence, but the granting and renewal of a licence shall not be unreasonably refused.

- 11.7 The Assistant Licence Inspector or Inspectors shall, at all times, be subject to the control and direction of the Licence Inspector.
- 11.8 It shall be the capacity of the Licence Inspector, and he is hereby authorized and empowered to inspect, compel and require that all regulations and provisions prescribed in this Bylaw and other licensing bylaws, as may be enacted from time to time, shall be carried out.
- 11.9 The Chief Licence Inspector shall make rules and regulations for the internal management of his department.
- 11.10 The Chief Licence Inspector shall maintain and keep records of all licences issued.
- 11.11 All such records shall be considered public records, and shall be open for inspection at reasonable times to any person having business with the Licence Inspector.
- 11.12 Where a Provincial Certificate of Qualifications or other similar authority is required by persons engaged in those trades designated from time to time by the Provincial Government, the Licence Inspector may require each applicant to provide such qualification or authority prior to issuance of a licence.

## **SECTION 12 – PROPERTY RENTALS**

- 12.1 In addition to obtaining a business licence to operate a property management company, each property management company shall pay the fee for each rental unit managed.
- 12.2 Each property management company shall provide to the City an addressed list of each rental unit it manages at the time of business licence application. Should rental units be added or removed from this list during the year, the property management company will notify the City and pay the additional fee for each unit added.

- 12.3 All owners of a rental unit are required to obtain a business licence unless the rental unit is managed by a property management company.
- 12.4 At the time of business licence application, operators of rental units are required to provide the following to the City:
- a. Contact information for someone who is able to respond to incidents 24 hours a day, 7 days a week; and
  - b. A parking plan showing the location of parking spaces for each rented unit/room as required under the City of Dawson Creek Zoning Bylaw as amended from time to time.
- 12.5 Operators of short-term rentals or rooming houses are required to meet the following fire safety requirements:
- a. Post a fire and safety evacuation plan in sleeping units and at exits;
  - b. Install working, connected smoke alarms on each floor and in every sleeping unit;
  - c. Install an accessible, working fire extinguisher on each floor;
  - d. If the property contains gas appliances, ensure there is a working carbon monoxide detector on every floor;
  - e. Test annually and maintain in working order, all smoke alarms, fire extinguishers and carbon monoxide detectors; and
  - f. Ensure bedroom without sprinkler systems have windows that meet means of egress under the BC Building Code with notes a clear opening minimum of .35m<sup>2</sup> (3.8sq ft) with no dimension less than 380mm (15 inches) and no specialized knowledge to open the window. Windows that open into a window well must have a minimum 760mm clear space from the window opening to the window well. Bedrooms that do not meet these requirements may not be used for sleeping accommodation.
- 12.6 Operators listing a short-term rental online are required to list the City of Dawson Creek business licence number on every online listing.
- 12.7 In the event that a rental unit is offered for both short-term rental and long-term rental, the fee and requirements for short-term rental will apply.

### **SECTION 13 – DIRECT SELLING AND/OR SOLICITING**

- 13.1 No person shall sell or offer for sale any book, magazine or other periodicals (other than a newspaper) on any street in the City. This subsection shall not apply to the operator of any newsstand, the operation of which has been approved in writing by the Licence Inspector on the recommendation of the Staff Sergeant and subject to such written approval.
- 13.2 No person shall canvass or solicit business on any street or sidewalk in the City from cards or samples, or in any other manner whatsoever for the sale of goods, wares, or merchandise or any article or thing for future delivery.
- 13.3 No person shall sell any goods whatsoever from out of any vehicle or conveyance on any street, road or park within the City, with exception of the following:
- i) Vendors of frozen confections and mobile food vendors. Such selling may be undertaken from private property with the approval and knowledge of the owner. This approval in no way releases such person from other requirements of this Bylaw.

- ii) Upon receipt of a business licence and after meeting all City requirements for mobile food service, Mobile Food Vendors will be allowed to operate between the hours of 7:00am to 10:00pm on specific City properties that have been identified by Council resolution.
  - iii) Appeals made by churches, similar religious organizations and other not-for-profit organizations where such appeals are made solely and exclusively to their members.
- 13.4 The soliciting of sales of any article, commodity or thing, or soliciting of any service or contract service, or the soliciting of any agreement or promise that will lead to any service or contract to service, or the sale of any article, commodity or thing, shall require a business licence issued under the provisions of this Bylaw.
- 13.5 Every licence to solicit shall be a personal licence to the applicant and not transferable.
- 13.6 No person may apply for a licence to solicit on behalf of any other person.
- 13.7 Soliciting within the City between the hours of 9:00 p.m. and 9:00 a.m. is not permitted, except by special permission of the Council.
- 13.8 Private personal sales between individuals and garage and yard type sales are excluded from the requirements of this section.

#### **SECTION 14 – AUTO PARKING LOTS**

- 14.1 It shall be a condition of the granting of a licence to any person to carry on the business of an auto parking lot that he shall post on the parking lot, one sign at each entrance and one sign at each exit of such parking lot, stating in wording clearly legible by day or night, to the satisfaction of the Licence Inspector, the parking fees being charged, hours of operation, and the circumstances under which a vehicle may be towed away from the lot, stating the address of the place to which it has been taken.

#### **SECTION 15 – GENERAL CONTRACTORS**

- 15.1 Every person licenced as a building contractor or general contractor shall, on the request of the Licence Inspector provide the Licence Inspector with the list of all sub-trades engaged on each specific job, on a form prescribed by the Licence Inspector. Failure, neglect or refusal to submit such list within two weeks of delivery of such request shall be an infraction of this Bylaw and render each building contractor liable to the penalties hereby imposed.
- 15.2 Where any sub-trade work requiring mandatory Trade Qualifications Certificates is to be undertaken by the General Building Contractor or House Builder himself or one of his directly employed personnel, Trade Qualifications Certificates must be produced prior to the Building Contractor's licence being issued.

Trade Qualification Certificates are required as follows:

1. Plumbing, steam fitting, pipe fitting and sprinkler fitting.
2. Roofing, damp and water proofing.
3. Refrigeration
4. Sheet Metal
5. Electrical Contractor

**SECTION 16 – CARNIVALS**

- 16.1 Any person seeking a licence to hold a carnival or circus must obtain insurance in the amount of Five Million Dollars (\$5,000,000.00) for personal injury, death and property damage. The insurance must contain a clause indemnifying the City from liability in the event of injury or damage being done to any person or property as a result of any activity or street parade of the carnival or circus. Proof of such insurance must be submitted to the satisfaction of the Chief Financial Officer or Licence Inspector prior to the granting of a licence.
- 16.2 An inspection certificate from an accredited professional engineer shall be submitted to the Licence Inspector before a licence shall be granted. The inspection certificate shall state in precise terms that all machines, rides or equipment used by the public conform to the acceptable standards and such certificates shall be submitted every seven (7) days during the term of licence or as directed by the Licence Inspector.
- 16.3 A cash bond of One Thousand Dollars (\$1,000.00) shall be deposited with the Chief Financial Officer and such bond or part thereof shall be forfeited to the City to pay for any damages or the cost of any clean-up required during or after the terms of the licence. Such bond or part thereof shall be returned by the Chief Financial Officer upon notification by the Licence Inspector that all conditions regarding damages and clean-up are satisfactory.

**SECTION 17 – ITINERANT SELLERS**

- 17.1 No person shall sell or offer for sale food products, other than from inside a building or structure which has been approved for occupancy under the building regulations of the City, except:
- a) those who pre-arrange with the property owner a regular schedule of a minimum of two days per month for six months per year;
    - i) The seller must formalize a lease arrangement with a local business outlet and have it in place before a business licence is issued;
    - ii) The lessee must purchase a business licence annually and post the required bond for the first twelve months; and
    - iii) All provincial and federal requirements are the responsibility of the licence holder; or
  - b) those who possess a current mobile food vending licence.

**SECTION 18 - PEDDLERS**

- 18.1 Every peddler, when plying his trade and selling or offering for sale to the public any commodity which is sold by weight or measure, shall have and use a lawful scale or measure capable of weighing or measuring accurately any commodity sold by him.
- 18.2 It shall be unlawful for any peddler to stand on any street or lane in the City for a longer period, at any one time, than may be required in making a sale or delivery of any commodity to a customer, nor shall any peddler sell any product from his vehicle while the same may be parked on any street or road in the City, provided this clause shall not apply to vendors of frozen confections.
- 18.3 No peddler shall ply or carry on his trade between the hours of 9:00 p.m. and 9:00 a.m.

**SECTION 19 – RECREATION, BILLIARD ROOMS, VIDEOS, SHOOTING GALLERIES AND PINBALL GAME ARCADES**

- 19.1 Any person holding or required to hold a licence under this Bylaw shall operate his business according to the requirements of "City of Dawson Creek Amusement, Machine & Games Room Regulation Bylaw No. 3395."

**SECTION 20 – LIQUOR AND CANNABIS BUSINESSES**

- 20.1 No holder of a business licence to operate a Lounge, Cabaret/Nightclub, Neighbourhood Pub, Hotel Pub or Cold Beer, Wine and Liquor Outlet, or any other business licence that involves the sale of liquor, may sell any liquor, anywhere in the City of Dawson Creek, between the hours of 2:00 a.m. and 9:00 a.m., except on New Year's Eve or through an application for extended hours, as outlined under the Liquor Licensing Policy Manual and the Liquor Control and Licensing Act.
- 20.2 No person shall produce cannabis for commercial purposes or sell cannabis in the City of Dawson Creek except for where they are operating under a valid licence issued under this Bylaw for Cannabis Production or Cannabis Sale. For clarity, if a business produces or sells cannabis in the City of Dawson Creek, it must qualify as Cannabis Production or Cannabis Sale under this Bylaw and licence must be paid for in the amount shown for Cannabis Production or Cannabis Sale in the City of Dawson Creek Fees and Charges Bylaw as amended or replaced from time to time.

**SECTION 21 – SECURITY AND PATROL LICENCE**

- 21.1 Every person carrying on the business of watching, guarding or patrolling for the protection of persons or property, or as a private detective, shall be required to hold a licence as set forth in the Private Investigators and Security Agencies Act of the Province of British Columbia. (RSBC 1996 Chapter 374)
- 21.2 Every person carrying on the business of watching, guarding or patrolling for the protection of persons or property shall supply the Staff Sergeant with the name, age, address and description of all person employed by him and such other information as the Staff Sergeant may require.
- 21.3 No person carrying on the business described in Subsection 21.1 hereof shall wear a uniform without first having obtained the written approval of the Staff Sergeant.
- 21.4 The operator of, and every person employed by a person carrying on business as described in Subsection 21.1 hereof, shall secure at his own expense an identification card approved by the Staff Sergeant. Such card shall be carried by such operator or employee at all times while performing any duties on behalf of himself or his employer.
- 21.5 No person in the employ of a person carrying on a business as described in Subsection 21.1 hereof, shall carry any gun, revolver or other firearm without proper permit therefore issued by the Staff Sergeant under the Canadian Criminal Code.
- 21.6 All persons carrying on the business as described in Subsection 21.1 hereof, shall file with the Staff Sergeant a list of owners or occupants of all premises which he has agreed to guard or patrol, and shall furnish a supplementary report each month of any additions to or deletions from such a list. Such supplementary report shall be filed with the Staff Sergeant on or before the 10th day of the month following the month to which the supplementary report refers.
- 21.7 No person carrying on the business as described in Subsection 21.1 hereof, or employee of the said business, shall wear, carry or exhibit any form of badge or insignia that has not been approved by the Staff Sergeant.



- 21.8 The use of attack or guard dogs by persons licenced in Subsection 21.1 hereof shall be restricted to those persons having successfully completed an accredited training program with such dog in his company unless such dog is held at all times on a leash capable of restraining the dog and such leash shall not exceed 6 m (19.7 ft.) in length.
- 21.9 Public liability insurance of Two Million Dollars (\$2,000,000.00) shall be obtained by persons licenced under Subsection 21.1 hereof and proof of such insurance must be deposited with the Licence Inspector at the time of renewal of each licence.

## **SECTION 22 – SOLICITATION AND PREJUDICE**

- 22.1 No person shall, without express instructions from the owner or occupier of the premises, attend upon or canvass at any residential premises for the purpose of soliciting business that is any way connected with home repairs or alterations.
- 22.2 No person shall call at any residence between the hours of 9:00 p.m. to 9:00 a.m. for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind, unless previous appointment has been made for such call.
- 22.3 No person holding or required to hold a licence for the carrying on of any trade, business or occupation under the provisions of any bylaw of the City shall refuse to sell any goods or furnish any service, or supply any accommodations to any person by reason of such person's race, creed or colour.

## **SECTION 23 – ENFORCEMENT**

- 23.1 Any person who carries on a business, for which a licence is required pursuant to this Bylaw, without holding a valid licence for the business, is guilty of an offence and is punishable upon summary conviction therefore.
- 23.2 Notwithstanding anything herein contained, the amount of any and every licence fee payable by any person pursuant to the provisions of this Bylaw shall be a debt due by that person to the City, which shall be recoverable together with any costs in any Court of competent jurisdiction.
- 23.3 Any person making an application for a licence under the provisions of this Bylaw shall and at the time of making application for such licence, give true and correct details on the forms supplied by the Licence Inspector for such business that the licence is being applied for and will be held liable for failure to comply. Any false declaration or concealment of material facts which under the provisions of this Bylaw should be disclosed as herein set forth, shall be deemed an infraction of this Bylaw and shall be liable to the penalties herein set forth.
- 23.4 Anyone failing to post and keep posted a Business Licence as referred to in Section 7, shall be guilty of an infraction of this Bylaw and liable to the penalties thereof.
- 23.5 Any person designated as a Bylaw Enforcement Officer pursuant to the City of Dawson Creek's Bylaw Enforcement Notice Bylaw or Dawson Creek's Municipal Ticket Information Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw by the Bylaw Notice Enforcement Bylaw No. 4277, 2016 as amended from time to time, or by the Municipal Ticket Information System Bylaw No. 4278, 2016 as amended from time to time.
- 23.6 No person shall do any act or suffer or permit any act to be done in contravention of this bylaw.

- 23.7 No person shall obstruct or impede a bylaw officer in lawful performance on any property, at all reasonable times, in order to ascertain whether such regulations are being observed as per Section 16 of the *Community Charter*.
- 23.8 Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
- 23.9 A person who contravenes any provision of this bylaw is liable to a fine of not more than \$10,000.00 and not less than \$100.00 for each offence.
- 23.10 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

**SECTION 24 – ADMINISTRATIVE**

- 24.1 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.
- 24.2 This Bylaw hereby repeals City of Dawson Creek "Annual Business Licence Bylaw No. 3144, 1995."
- 24.3 This Bylaw shall take effect upon the adoption by the affirmative vote of a majority of Council present at the meeting at which the vote is taken.
- 24.4 That Trades Licence Amendment Bylaw No. 358, 1959, License Amendment Bylaw No. 387, 1959 and Trades License No. 537, 1960 be repealed.
- 24.5 That Annual Business Licence and Regulation Bylaw No. 3758, 2004 and all amendments made to it be repealed.

**READ** a first time this 21<sup>st</sup> day of March, 2016.

**READ** a second time this 21<sup>st</sup> day of March, 2016.

**READ** a third time this 21<sup>st</sup> day of March, 2016.

**ADOPTED** this 4<sup>th</sup> day of April, 2016.

<p><b>CERTIFIED A TRUE AND CORRECT COPY</b> of Bylaw No. 4288 cited as "Annual Business Licence &amp; Regulation Bylaw No. 4288, 2016."</p> <p><b>ORIGINAL SIGNED BY</b>            _____            Brenda Ginter            Director of Corporate Administration</p>
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The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

**ORIGINAL SIGNED BY**  
 \_\_\_\_\_  
 Dale Bumstead – Mayor

**ORIGINAL SIGNED BY**  
 \_\_\_\_\_  
 Brenda Ginter –Director of Corporate Administration