

VILLAGE OF CACHE CREEK

BUSINESS LICENSE BYLAW NO. 5-007, 2023

A BYLAW AUTHORIZING THE ISSUANCE OF BUSINESS LICENSES AND THE REGULATION OF BUSINESSES WITHIN THE VILLAGE OF CACHE CREEK

WHEREAS the Community Charter authorizes a Council to enact a bylaw to regulate businesses within its boundaries;

AND WHEREAS the Council of the Village of Cache Creek deems it necessary to provide for the regulation of businesses within the Village of Cache Creek;

NOW THEREFORE the Council of the Village of Cache Creek, in the Province of British Columbia, hereby ENACTS AS FOLLOWS:

1. CITATION

This Bylaw shall be cited for all purposes as *“Village of Cache Creek Business License Bylaw No. 5-007, 2023”*.

2. REPEAL

The Village of Cache Creek Business License Bylaw No. 495 and all amendments thereto are hereby repealed in their entirety.

3. DEFINITIONS

In this Bylaw:

“Applicant” means any Person who makes application for a Business License under the provisions of this bylaw.

“Building Rental Business” means a Business for the purpose of renting or leasing, residential, commercial or industrial or other real estate, where the Business has available for rent or lease, three (3) or more units.

“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 whether only based within the Village of Cache Creek or actually operating within the Village. This shall include subsidiary operations which are a demonstrably integral part of the principal Business. Individually licensed businesses shall be differentiated by type of business irrespective of joint ownership or co-location. Business includes Home Occupation. The location of a Business will be determined by the civic address given on the application.

“Business License” means a license issued to a Business pursuant to this bylaw for the operation of an individual Business within the Village of Cache Creek.

“Corporate Officer” means the Person duly appointed as such from time to time by the Council.

“Council” means the Council of the Village of Cache Creek.

“Direct Sales” means solicitation door to door, business to business, or by telephone, for the purpose of sales. This includes the posting of brochures/posters but does not include Mobile Vendor.

“Highway” means a lane, street, road, bridge, sidewalk, viaduct and any other way open to the use of the public but does not include a private right-of-way on private land.

“Home Occupation” means any Business carried on by a resident of a dwelling unit which is clearly incidental to the use of the dwelling unit for residential purposes. Home Occupation must conform to the relevant provisions of the Village of Cache Creek Zoning Bylaw and its amendments in force from time to time.

“Indebtedness to the Village” means delinquent taxes, outstanding fines or fees.

“Itinerant Show/Exhibition” means any show or exhibition which displays for the public, invites the public to participate in, or entertains the public on a temporary basis only, on premises rented, leased or otherwise obtained for the purposes thereof, and to which the public is either generally invited or by private invitation regardless of whether or not an admission fee is charged.

“License Inspector” means the Corporate Officer, Deputy Corporate Officer, Bylaw enforcement Officer or other designate appointed by the Council for the purpose of administering this bylaw.

“Mobile Vendors” means a vendor who sells goods, food or food products from a mobile vending unit which is capable of being moved and is fully self-contained. All provincial health approvals and permits are required and are the responsibility of the owner and/or operator to obtain.

“Non-Profit” means a registered non-profit society that is incorporated and in good standing under the Societies Act.

“Peace Officer” means any member of the RCMP or any Bylaw Enforcement Officer appointed from time to time by the Village.

“Person” means, in addition to its usual connotation, shall include a firm or partnership, association, company, society, body corporate, and the singular shall mean and include the plural, masculine, feminine and converse.

“Village” means the Village of Cache Creek.

The use of words signifying the masculine shall include the feminine.

4. License Required

4.1 Every person who owns or operates a business within the Village of Cache Creek shall apply for, obtain and hold a licence for each business.

4.2 Every person who operates a business at more than one premises, shall obtain a separate licence for each premises, whether or not the premises are located in the same building.

- 4.3 A person who operates more than one business at one premises, shall apply for and maintain a separate licence for each business.
- 4.4 Every person who carries on a business in the Village shall comply with all bylaws of the Village and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such business.
- 4.5 No Person shall carry on a Business within the Village of Cache Creek without first having obtained and paid for a Business License pursuant to this bylaw with exception to the following:
 - (a) Non-Profit organization hosting ONE-TIME event for the purpose of fundraising for the community or providing a community service at the discretion of the Village.
 - (b) Garage and yard sales at residential premises. Such garage/yard sales shall be limited to two (2) sale days per year per residence in single and two-family residential areas, or two sale days per building per year in multiple family areas.
 - (c) Individual vendors that are part of an organized Farmers/Community Market OR Community Event that holds a valid license.

5. Compliance with Bylaws and Enactments

- 5.1 Where any Federal or Provincial Act or Regulation or any other Village bylaw applies to any matter covered by this bylaw, the issuance of a Business License under the provisions of this bylaw shall not relieve the licensee from complying with the provisions of such enactments. The License Inspector may refuse to grant a license for a Business where the premises upon which the Applicant wishes to conduct the Business does not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and this bylaw.

6. Application

- 6.1 Every Person applying for a Business License shall complete a Business License Application (Schedule "B" to this Bylaw). The completion and submission of said application is not a Business License and does not grant any right to carry on the intended Business. The application will be reviewed by the License Inspector for completeness and conformity of the proposed Business with Village bylaws.

7. Fire Inspection

- 7.1 Each business must complete and pass a Fire Inspection before the issuing of a business license and henceforth every 2 years.
- 7.2 The fees associated with the initial Fire Inspection are the responsibility of the business owner, subsequent inspections are provided free of charge by the Village.
- 7.3 If a business requires reinspection after failing an inspection, the additional fees will be the responsibility of the business owners.

8. Fees

8.1 The fees payable for Business Licenses are those set forth in Schedule "A" of this Bylaw, as amended from time to time, and no license shall be issued until the fee has been paid to the Village and the License Inspector has approved the granting of the license.

9. Separate License Premises

9.1 For the purpose of this bylaw, where a Business is carried on, in or from more than one premises, the Business carried on, in or from each premises shall be deemed a separate and distinct Business, except for a Building Rental Business, which may rent or lease suites from more than one premises under a single Business License.

10. Transfer

10.1 Business Licenses are not transferable. Should a business change ownership midway through a year, the new owner will be required to apply for a new license.

11. Display License

11.1 The Business License holder or Person in charge or control of the premises wherein the Business is carried on or practiced, shall at all times keep the Business License prominently displayed in the sales or reception area of the premises to which the public has access, or an area designated by the License Inspector.

12. Notify Changes

12.1 Every holder of a Business License shall notify the License Inspector of any change in the mailing and/or Business address, the classification of the Business, or any alteration to the premises in which the Business is carried out, and upon the termination of the carrying on of the Business by the Business License holder, he/she shall notify the License Inspector that the Business License is no longer required and shall surrender the Business License to the License Inspector.

13. Qualification Certificate

13.1 Any Person applying for a Business License for any Business governed by any Federal or Provincial statute shall supply proof to the License Inspector of his/her qualifications or of the qualification of his/her employees to carry on such a Business at the time of application.

14. License Period

14.1 Business Licenses shall be granted for a one-year period, to commence on the first day of January and to terminate on the thirty-first day of December in each and every year.

14.2 Business License holders are required to renew their Business License by submitting the required fee prior to February 15th each year.

15. Granting and Suspension

15.1 The License Inspector may grant a Business License where he is satisfied that the Applicant has complied with all the requirements of the bylaws of the Village, and may suspend, for such a period as he may determine, any Business License if the holder of the Business License:

- a) failure by a licensee to comply with a term or condition of the licence;
- b) failure by a licensee to comply with this Bylaw; or
- c) reasonable cause, including indebtedness to the Village.

provided that the License Inspector has, before the suspension or cancellation, given the licensee notice of the proposed suspension or cancellation and an opportunity to be heard. Any Person whose Business License has been suspended under this section may appeal in writing to the CAO of the Village.

15.2 The suspension of a Business License by the License Inspector shall be made by notice in writing signed by the License Inspector and served on the Person holding such Business License or delivered to the holder of such Business License by registered mail to the address given by the licensee on the Business License Application. A notice of such suspension of the Business License may be posted by the License Inspector upon the premises for which the Business License was issued and such notice shall not be removed until the Business License is reinstated, the former licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started in the premises, whichever first occurs.

16. Family, Group Day Care and Community Care Facilities

16.1 Applicants under this category must provide verification that they are licensed pursuant to all relevant Provincial and Federal statutes.

17. Taxicab, Limousine and Bus Service

17.1 Upon application, taxicab, limousine and bus operators will be issued one Business License for their Business. Each vehicle operated by the Business must comply with all provincial legislation.

17.2 Every Business operating a taxicab, limousine or bus in the Village shall operate from an established place of business.

17.3 Every Applicant for a Business License to operate a taxicab, limousine or bus Business shall furnish at the time of application, the name(s) of the owner(s) of the vehicle(s) which will operate under the Business License and the motor vehicle license number of all such vehicles.

18. Tow Trucks

18.1 No Person shall operate a vehicle as a tow truck unless the operator has produced to the License Inspector proof that the vehicle and any driver thereof is covered by an

Insurance Policy for Public Liability in an amount of at least two million dollars (\$2,000,000.00).

19. Tow Truck Compounds

19.1 All Persons carrying on the Business of operating tow trucks or maintaining compounds for the storage of vehicles towed to those compounds by tow trucks shall ensure that the premises conform to the storage and screening requirements of the Village of Cache Creek Zoning Bylaw.

20. Mobile Vendors

20.1 Mobile vendors are permitted to use Village property with written permission. A site plan is required upon business license submission.

20.2 Mobile vendors proposing to locate on Village property are required to provide proof of comprehensive public liability insurance and property damage insurance providing coverage of at least \$2,000,000 and including the Village of Cache Creek as an additional insured.

20.3 Mobile vendors proposing to locate on privately owned properties must submit written authorization from the property owner that they have approved the site location.

20.4 Mobile vendors must conform to applicable zoning for the property on which they will be located.

21. Use of Highways and Parks

21.1 No Person shall offer for sale any goods or merchandise on Highways or in a Park within the boundaries of the Village of Cache Creek without a license.

22. Special Events

22.1 Special Events may, with written permission, allow multiple vendors to do business in a Park or on Highways without a Business License for one-time events.

23. Enforcement

23.1 A Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and is authorized and may apply a penalty in accordance with section 24 if deemed necessary.

24. Offences and Penalties

24.1 Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:

(a) a fine in accordance with Village of Cache Creek Bylaw Notice Enforcement Bylaw if information respecting the infraction is laid by means of a ticket; or

(b) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

25. Severability

25.1 If any section, subsection, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

26. Schedule "A"

26.1 Schedule "A", Business License Fees is attached to, and forms part of this Bylaw.

27. Schedule "B"

27.1 Schedule "B", Business License Application Requirements is attached to, and forms part of this Bylaw.

READ A FIRST TIME THE 4th DAY OF DECEMBER, 2023

READ A SECOND TIME THE 4th DAY OF DECEMBER, 2023

READ A THIRD TIME THE 4th DAY OF DECEMBER, 2023

ADOPTED THE 18th DAY OF DECEMBER, 2023

P.A. John Ranta
Mayor

Damian Couture
Chief Administrative Officer

I hereby certify that this is a true copy of "The Village of Cache Creek Business License Bylaw No. 5-007, 2023" as ADOPTED this 18th Day of December , 2023.

**VILLAGE OF CACHE CREEK
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Schedule "A"

Business Licence Categories and Fees Payable

1	Home Occupation	50.00
2	Real Estate/Home Sales	150.00
3	Short Term Accommodations (Hotels, Motels, Inns, Campground)	200.00
4	Temporary Accommodations (AirBnB, Monthly Rentals)	50.00
5	Automotive Services (Sales, Service, Auto Wrecker, etc.)	150.00
6	Liquor/Food Service/Restaurants	150.00
7	Mobile Vendors	150.00
8	Manufacturing/Financial Operations	400.00
9	Direct Sales/Itinerant Show	100.00
10	Business Services (Retail, Fuel, Storage, Transportation, etc.)	100.00
11	Equip. Sales/Fabricating/Construction	150.00
12	Professional Services (Trades, Contractors, Movers, etc.)	100.00
13	Cannabis Industry	400.00
14	Community Events/Markets	FREE

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Schedule "B"

Business License Application Requirements

For the purposes of bylaw administration the following mandatory information will be collected for all applications.

The Village will collect this information via methods deemed appropriate at the time and may collect additional information if necessary.

The current version of this application form will be available at the Village of Cache Creek Office.

The information required for all applications will be:

Applicant Name

Application Date

Business Physical Address

Business Mailing Address

Phone Number

Business Type

Goods Offered

Trade Name

Signature