

A BYLAW TO REGULATE BUSINESS THROUGH THE ISSUANCE OF BUSINESS LICENCES IN THE VILLAGE OF NAKUSP.

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Now, therefore, the Council for the Village of Nakusp, in an open meeting assembled, enacts as follows:

**TITLE**

1. This bylaw may be cited as Business Licence Bylaw No. 734, 2024.

**DEFINITIONS**

2. For the purpose of this bylaw, the following terms are defined:

Bylaw Notice  
Enforcement  
Bylaw 694, 2020

- (1) “Applicant” means a person applying for a business licence with the Village.
- (2) “Bed and Breakfast” means a home occupation carried on in a single detached dwelling owned and occupied by the operator which provides not more than three (3) rooms accommodating up to six (6) transient paying guests for sleeping purposes only where the room rate includes breakfast, which is served on the premises but does not include Short-Term Rentals.
- (3) “Bylaw Notice Enforcement” means the current Village of Nakusp Bylaw Notice Enforcement Bylaw as amended;
- (4) “Business” means the carrying on of a commercial or industrial undertaking of any nature of the providing of professional, personal or other services for gain or profit within the boundaries of the Village; however, this does not include any commerce where the product or service is offered entirely outside the Village boundaries, the transaction takes place virtually, and the product or service is delivered by courier, mail, virtually, or over the phone.
- (5) “CAO” means the person appointed as the Chief Administrative Officer of the Village or their designate;
- (6) “Community Charter” means the *Community Charter* [SBC 2003] Chapter 26 as amended;
- (7) “Council” means the elected officials for the Village of Nakusp;
- (8) “Council Procedure Bylaw” means the current Village of Nakusp Council Procedure Bylaw as amended.
- (9) “Use of Public Property Bylaw” means the current Village of Nakusp Use of Public Property Bylaw as amended.

Council Procedure  
Bylaw 711, 2022

Use of Public  
Property  
Bylaw 720, 2023

- (10) “Farmers Market” means a temporary, seasonal market for the sale of farm produce and products or other local vendors, merchants, or participants to gather in one location with more than three (3) different vendor tables.
- (11) “Fire Inspection” means the act of inspecting or reviewing fire safety measures and equipment at or within a building or area to ensure those measures and equipment are compliant with the *BC Fire Code Regulations* [act]; this is carried out by the Nakusp Volunteer Fire Department Fire Chief or designate by the Fire Commander of BC.
- (12) “Fees and Charges Bylaw” means the current Village of Nakusp Fees and Charges Bylaw as amended;
- (13) “Food Truck/Trailer” means a mobile unit that can be set up to prepare and sell food and drinks;
- (14) “Home Occupation” means an occupation, service, or profession carried out in a dwelling or accessory building where the occupation or profession is clearly incidental to the use of a parcel for residential purposes and does not alter the residential character of the premises.
- (15) “Licence” means the business license issued by the Village.
- (16) “Licensee” means the owner of a business or a person designated by the owner in writing to represent the owner of the business;
- (17) “Licence Inspector” means the CAO or the person designated by the CAO to administer the provisions of this bylaw;
- (18) “Local Government Act” means the *Local Government Act* [RSBC 2015] Chapter 1 as amended;
- (19) “Mobile Food Cart” means a cart that attaches behind a bike, pushed like a wheelbarrow or self-propelled concession for the sale of food or drinks;
- (20) “Mobile Vendor” means a business that is carried out entirely in a mobile unit (vehicle, trailer, pushcart, or self-propelled concession) where the stocked items being offered for sale are carried and contained in the mobile unit but does not include Mobile Food Cart or Food Truck/Trailer.
- (21) “Multiple Uses on One Property” means a business venture with more than one complimentary business venture on one property, such as a hotel, restaurant, and cold beer store, but does not include businesses operating from the same premises that offer unrelated services.
- (22) “Mushroom Buyer” means a seasonal business venture that purchases mushrooms from mushroom pickers.
- (23) “New Business” means a business that has not held a valid business licence for the previous twelve (12) months.

- (24) “Premises” means a building, a portion of a building or an area of land where business is carried on;
- (25) “Professional Office” means an office for occupations including accountants, architects, barristers and solicitors, chiropractors, dentists, ecologists, engineers, financial consultants, foresters, massage therapists, naturopathic physicians, notaries, optometrists, osteopaths, pharmacists, physicians and surgeons, psychiatrists, physiotherapists, podiatrists, psychologists, surveyors, and veterinarians.
- (26) “Short-Term Rental” means the rental of a dwelling unit to paying guests for periods not exceeding thirty (30) days.
- (27) “Youth” means any person aged 18 and under.
- (28) “Village” means the Corporation of the Village of Nakusp;
- (29) “Village Office” means the Village of Nakusp Office located at 91 1<sup>st</sup> Street, Nakusp, BC;
- (30) “Village Website” means the Village of Nakusp website, [www.nakusp.com](http://www.nakusp.com);
- (31) “Zoning Bylaw” means the current Village of Nakusp Zoning Bylaw as amended.

### LICENCE REQUIREMENTS

- 3. (1) A person applying for a business licence must apply in writing, using the application available at the *Village Office* or on the *Village Website*.
- (2) A person who carries out business transactions within the *Village* must apply for, obtain, and hold a valid licence for each *business*.
- (3) A business licence is not required for a performance, concert, exhibition or entertainment in which the entire proceeds, above actual expenses, are devoted to a local not-for-profit society.
- (4) A person operating more than one business must have a business licence for each business, and the business name must match the business licence it is operating as.
- (5) All business ventures owned and operated entirely by *youth* must submit a business licence application and applicable documentation despite the licence being free.
- (6) A business may be exempt from the requirements of this bylaw by a Federal or Provincial Act or Regulation.

### LICENCE APPLICATION AND ISSUANCE

- 4. (1) An application for a licence must be signed by the owner of the *Business* or the

owner's agent duly authorized in writing.

- (2) A licence must state:
  - a) the name of the licensee;
  - b) the name of the business;
  - c) the classification of the business; and,
  - d) the location of the business premises.
- (3) A licence is only valid when it has been issued by the *Licence Inspector* and the licence fee prescribed in the *Fees and Charges Bylaw* has been paid.
- (4) A person must not provide false information respecting the nature and address of the *business*, the number of persons engaged or occupied in the *business*, or any other information that the *Licence Inspector* may require to classify the *business* or calculate the licence fee.
- (5) A *Business* must display the licence at all times in an area clearly visible upon entrance of the premises or otherwise designated by the *Licence Inspector*.
- (6) Notwithstanding section 4.5, a *Farmers' Market* is not required to display the business licence.
- (7) A license is valid from the day issued until December 31st of that year.
- (8) Notwithstanding section 3.4, a business operating with *Multiple Uses on One Property* that complement each other are subject to the highest business licence fee for their business plus a reduced rate for each complementary business as provided in the *Fees and Charges Bylaw*.
- (9) The *CAO* has sole discretion in determining what constitutes a complementary business in the context of *Multiple Uses on One Property*.

### PRO-RATING OF LICENCE FEES

5. (1) The licence fee prescribed in the *Fees and Charges Bylaw* may be reduced by 50% for that calendar year for a person who begins a *New Business* after July 31<sup>st</sup>.
- (2) A person operating a *New Business* before the 31<sup>st</sup> day of July and failing to apply for a licence until after the 31<sup>st</sup> day of July in that year is liable for the full fee prescribed for that type of business in the *Fees and Charges Bylaw*.
- (3) Notwithstanding section 5.1, there is no pro-rated licence fee for businesses that operate on a seasonal or monthly basis, and no pro-rated licence fee is provided for 90-day *Short Term Rental* operations in C1 and LD-1 Zones, as described in the *Zoning*

*Bylaw.*

### LICENCE RENEWALS

6. (1) The *Village* sends out business licence renewal notices to all existing Businesses operating in that calendar year for the upcoming year.
- (2) All Business Licences renewed under this bylaw must pay the annual licence fee as prescribed in the *Fees and Charges Bylaw* on or before the last business day in February.
- (3) All Business Licence renewals paid in full by December 31<sup>st</sup> are eligible for a discount as prescribed in the *Fees and Charges Bylaw* for Business Licences of one hundred dollars (\$100.00) value or more.

### LICENCE CHANGES AND TRANSFERS

7. (1) A *licensee* must notify the *Village* by December 31<sup>st</sup> if a license is no longer required for the upcoming year.
- (2) A licence granted under this bylaw may not be transferred to another person.
- (3) A person must notify the *Village* of any change of premises, address, or contact information for the business and obtain an updated business licence.
- (4) A licence transfer may be refused by the *Licence Inspector* where the *premises* to which the applicant wishes to transfer the licence do not comply with the requirements of *Village* bylaws regulating building, zoning, or sanitation.
- (5) Where a *business* has been sold, the new owner must obtain a new business licence before commencing operation.

### LICENCE REFUSAL, SUSPENSION AND CANCELLATION

8. (1) The *Licence Inspector* may refuse, suspend or cancel a business licence for:
  - a) failure by a *licensee* to comply with a term or condition of the licence; and,
  - b) failure by a *licensee* to comply with *Village* bylaw, provincial or federal laws and regulations;provided that the *Licence Inspector* has, before the suspension or cancellation, given the *licensee* seven (7) days notice of the proposed suspension or cancellation.

- (2) The Licence Inspector must provide written notice to the *applicant* or *licensee* of their decision to refuse, suspend or cancel the business licence.
- (3) The notice provided in 8.2 must be sent by registered mail to the address listed on the licensee's application for a business licence.
- (4) A person must not operate a business while a licence is suspended or cancelled.

## COUNCIL RECONSIDERATION OF REFUSAL, SUSPENSION OR CANCELLATION OF LICENCE

9. (1) When a *Licence Inspector* exercises their authority to refuse, suspend, or cancel a licence, a person is entitled to have *Council* reconsider the matter.
- (2) A person requesting *Council* to reconsider the refusal, suspension or cancellation of a licence must provide written notice to the *Licence Inspector* within ten (10) business days of the postmark indicating the date the letter pursuant to section 8(1) was sent.
- (3) A request for Council's reconsideration must concisely state the grounds for the appeal.
- (4) The decision of a *Licence Inspector* must be reconsidered during the next regular Council meeting, as set out in the *Council Procedure Bylaw*.

## LICENCE INSPECTOR

10. (1) The *Licence Inspector* may enter, at all reasonable times on any *premises* subject to this bylaw to ascertain whether this bylaw is being observed.

## VEHICLES FOR HIRE

11. (1) The *Applicant* must provide National Safety Code number, Passenger Transportation Licence and completed Vehicle Safety Inspection per *vehicle for hire* on initial business licence application.
- (2) Upon business licence renewal, the *Applicant* must provide a copy of the annual ICBC insurance policy per *vehicle for hire*.
- (3) Each ICBC insurance policy per *vehicle for hire* must match the name on the business licence.

## FARMERS' MARKET

12. (1) A *Farmers' Market* must meet the *Use of Public Property Bylaw* requirements.
- (2) A *Farmers' Market* must provide a traffic plan with the *licence* application and upon renewal.
- (3) A *licence* for a *Farmers' Market* can be revoked if any of its vendors are in contravention of any provision of Provincial or Federal laws or Village Bylaws.

## MOBILE VENDORS ON PRIVATE PROPERTY

13. (1) A private property owner must not allow more than one (1) *Mobile Vendor* to operate simultaneously on a parcel of private property.
- (2) A private property owner must ensure that the *Mobile Vendor* operating on their property adheres to the Business Licence Bylaw provisions.
- (3) A *Mobile Vendor* must be entirely within the property lines of the private property and adhere to any setbacks established for that zone within the *Zoning Bylaw*.
- (4) A *Mobile Vendor* must not operate on a property other than a property zoned for commercial use unless the Village has issued a Temporary Use Permit allowing commercial use on that property and the permit is valid.
- (5) An *applicant* must submit to the Village the following documentation with a business licence application and payment of the associated fee as found in the *Fees and Charges Bylaw*:
  - (a) The Vendor's name and nature of the business;
  - (b) The day(s) and times the mobile vendor will be operating;
  - (c) A site map of the property, to the satisfaction of the Village, providing measurements between property lines, existing buildings, and the proposed location of the vendor;
  - (d) A Temporary Use Permit for Mobile Vendors intending to operate on private property not zoned for commercial use; and,
  - (e) A letter from the private property owner authorizing the *Mobile Vendor* to operate on the property.

## FOOD TRUCK/TRAILER

14. (1) All *applicants* must follow regulations outlined in the current *Use of Public Property Bylaw*.

- (2) *All Food Truck/Trailer applicants* must provide approved documentation from the *Use of Public Property* with the business licence application.
- (3) A person operating a *Food Truck/Trailer* on Private Property, the applicant is subject to the provisions found in section 13 of this bylaw.

### **MOBILE FOOD CART**

- 15. (1) All *applicants* must follow the regulation outlined in the current Use of Public Property Bylaw.
- (2) All *Mobile Food Cart applicants* must provide approved documentation from the *Use of Public Property* with the business licence application.

### **SHORT-TERM RENTAL & BED AND BREAKFASTS**

- 16. (1) A person must obtain a valid Business Licence to operate a *Short-Term Rental*.
- (2) A person operating a *Short-Term Rental* in a C1 or LD1 Zone of the *Zoning Bylaw* must provide the 90 days for which their *Short-Term Rental* will be available on the business licence application.
- (3) A person operating a *Short-Term Rental* must abide by the rules and regulations provided within the *Zoning Bylaw*.
- (4) A person operating a *Short-Term Rental* must post an image of the valid business licence issued by the *Village* on the person's means of advertisement and booking platform, including but not limited to Airbnb, VRBO, and Booking.com.
- (5) A person carrying on a *Bed and Breakfast* business must meet the *Zoning Bylaw* requirements and obtain a valid business licence.

### **HOME OCCUPATION BUSINESSES**

- 17. (1) An *Applicant* who carries on a *Home Occupation business* must meet *Zoning Bylaw Requirements* and obtain a Business Licence.

### **MUSHROOM BUYERS**

- 18. (1) A person operating a seasonal mushroom-buying business must operate on private property and is subject to the provisions found within section 13 of this bylaw.



- (2) A person operating a *Mushroom Buyer business* must not sell anything.

### FIRE INSPECTIONS

19. (1) Every *new business* must have a *Fire Inspection* completed within the first year of business unless an earlier inspection is required by the BC Fire Service Act [RBC 1996] as amended.
- (2) The following existing businesses must have a *Fire Inspection* completed each year; no later than June 30<sup>th</sup>:
- (a) Apartments;
  - (b) Hotel/Motel;
  - (c) Restaurants/Lounges/Pubs; and,
  - (d) Short-Term Rentals.
- (3) Notwithstanding the businesses listed in section 19.2, all other businesses must have a *Fire Inspection* completed every two (2) years.

### VIOLATION AND PENALTY

20. (1) A person who violates any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who neglects to do or refrains from doing any act or thing required by any of the provisions of this bylaw, commits an offence punishable on summary conviction.
- (2) A person who violates any provision of this bylaw and commits an offence punishable by summary conviction may be liable to a fine in the *Bylaw Notice Enforcement Bylaw*.
- (3) Each day the offence is continued may be considered a separate offence under this bylaw.

### FEE SCHEDULE

21. (1) The prescribed fees are included in the *Fees and Charges* bylaw and are enforceable to this bylaw.

### GENERAL PROVISIONS

22. (1) Business Licence Bylaw No. 715, 2023 and all amending bylaws are hereby repealed.

### SEVERABILITY

23. (1) If any part, section, sub-section clause or sub-clause of this bylaw is, for any reason, held

to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS 22 DAY OF April 2024.  
READ A SECOND TIME THIS 22 DAY OF April 2024.  
READ A THIRD TIME THIS 22 DAY OF April 2024.  
ADOPTED THIS 13 DAY OF May 2024.

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Mayor

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Chief Administrative Officer