

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 3100, 2025

A Bylaw to regulate business through the Issuance of business licences

WHEREAS the Board of the Regional District of Okanagan-Similkameen deems it expedient to provide for business licencing and to regulate the operation of businesses in electoral areas;

AND WHEREAS the Board of the Regional District of Okanagan-Similkameen wishes to ensure all businesses within the electoral areas operate in a lawful manner;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled, enacts as follows:

1.0 Title

This Bylaw shall be cited as the “Regional District of Okanagan-Similkameen Business Licence Regulation Bylaw No. 3100, 2025.”

2.0 Bylaw Application

- .1 This bylaw applies to Electoral Areas “A”, “D”, “E” & “I” of the Regional District of Okanagan-Similkameen, and as shown on Figure 1.

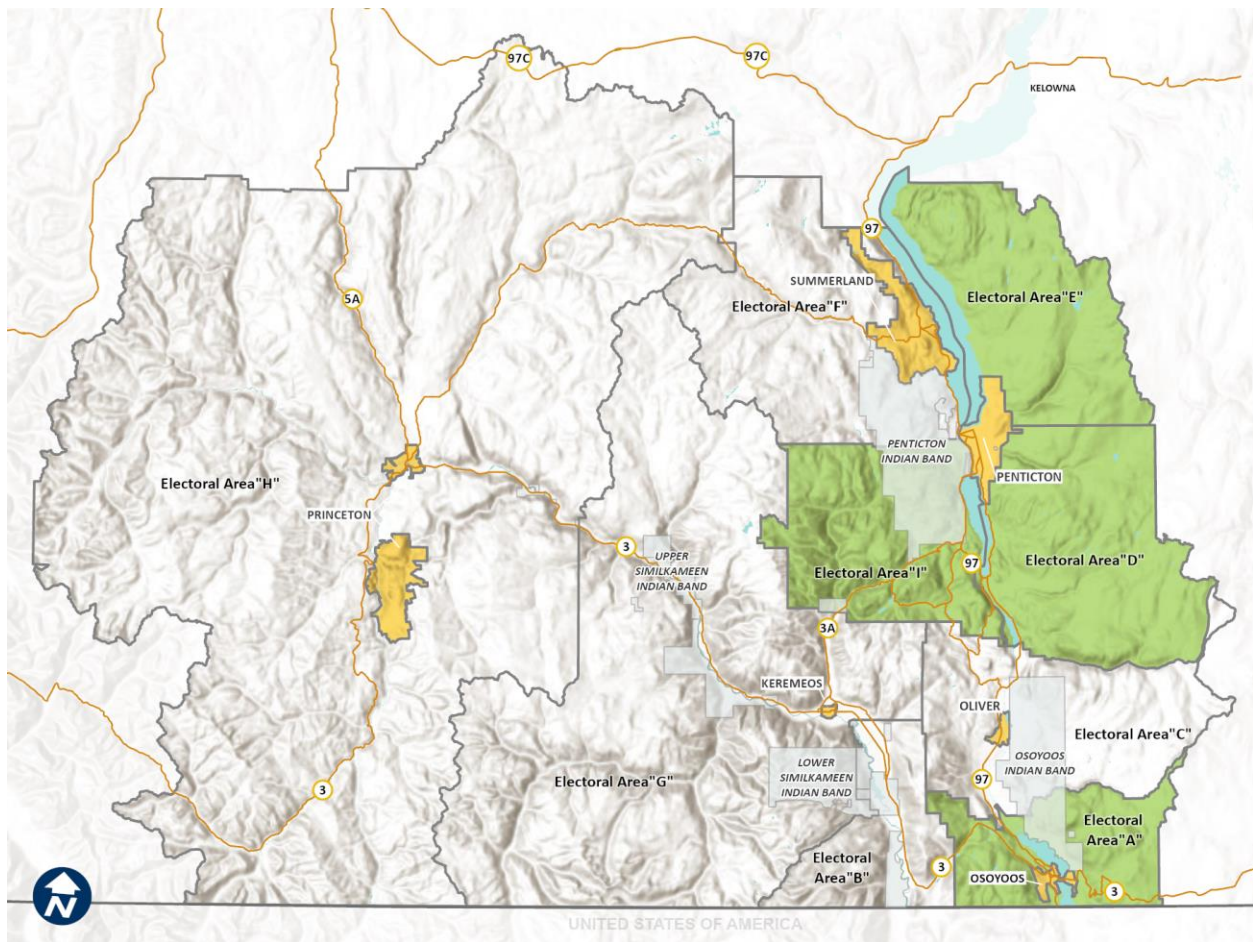


FIGURE 1 – Context Map

- .2 This bylaw includes the following schedules that form an integral part of this bylaw:
 - i) Schedule 'A' – Specific Business Use Regulations

3.0 Compliance with this Bylaw

- .1 A person who carries on one of the following businesses within an electoral area outlined at section 2.1 must apply for, obtain, and hold a valid licence for each business:
 - a) short-term rental accommodation.
- .2 A person operating more than one business listed at Section 3.1 must have a licence for each business, and the business name must match the licence issued for that business.
- .3 A person applying for a *business* licence must apply in writing, using the application available at the *Regional District Office* or on the *Regional District Website*.

4.0 Definitions

- .1 Words not specifically defined in this Bylaw shall have the same meaning as words defined in the applicable electoral area zoning bylaw, as amended from time to time.

.2 In this bylaw:

“Applicant” means a person applying for a licence with the Regional District;

“Business” means the carrying on of a commercial or industrial undertaking of any kind and providing professional, personal or other services for the purpose of gain or profit within the boundaries of the Regional District; however, this does not include any commerce where the product or service is offered entirely outside the Regional District’s boundaries, the transaction takes place virtually, or the product or service is delivered by courier, mail, virtually, or over the phone;

“Board” means the board of directors for the Regional District of Okanagan-Similkameen;

“Chief Administrative Officer” or **“CAO”** means the person appointed by the Regional District Board as the Chief Administrative Officer for the Regional District, or their designate;

“Community Charter” means the *Community Charter* [SBC 2003] Chapter 26 as amended;

“Enforcement Officer” means a person appointed for the purpose of enforcing the provisions of this bylaw;

“Fees and Charges Bylaw” means the current Regional District of Okanagan-Similkameen Fees and Charges Bylaw as amended;

“Licence” means a valid business licence issued by the Regional District under this bylaw.

“Licensee” means a person holding a licence issued under this bylaw.

“Licence Inspector” means the CAO or the person designated by the CAO to administer the provisions of this bylaw;

“Local Government Act” means the *Local Government Act* [RSBC 2015] Chapter 1 as amended;

“Multiple Uses on One Parcel” means a business venture comprised of more than one (1) complementary business venture on one (1) property, but does not include businesses operating from the same premises that offer unrelated services;

“New Business” means a business in respect of which a licence has not been active during any of the previous twelve (12) months;

“Premises” means a building, a portion of a building or an area of land where business is carried on;

“Regional District” means the Regional District of Okanagan-Similkameen;

“Regional District Office” means the Regional District of Okanagan-Similkameen office;

“Regional District Website” means the Regional District of Okanagan-Similkameen website; and

“Zoning Bylaw” means the applicable Regional District electoral area zoning bylaw, as may be amended or replaced from time to time.

5.0 Exemptions

.1 This bylaw does not apply to:

- a) a business in respect of which a valid current Inter-Municipal or Inter-Community Licence has been issued, provided the owner or operator of the business holds a valid licence for carrying on that business issued by any municipality participating in those respective programs;
- b) a society registered in British Columbia or Canada or a registered charitable organization that does not operate a retail or other commercial business on a regular basis;
- c) occasional fund-raising activities held by educational organizations, churches, sports teams, societies or other non-profit organizations;
- d) rental of a single-family dwelling or multi-family where the rental agreement is subject to the *Residential Tenancy Act* (British Columbia);
- e) an activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government; or
- f) a performance, concert, exhibition or entertainment in which the entire proceeds, above actual expenses, are devoted to a local not-for-profit society operating within the boundaries of the Regional District of Okanagan-Similkameen.

6.0 Form of Licences

.1 The Chief Administrative Officer, or their delegate, may designate the form of licences.

7.0 Form of Application Forms

- .1 The Chief Administrative Officer, or their delegate, may designate the form of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

8.0 Application Fee

- .1 At the time of application for a new licence or the renewal of an existing licence, the applicant shall pay to the Regional District a licence application fee in the amount as set out in the Regional District's Fees and Charges Bylaw.

9.0 Application Requirements

- .1 An application for a licence shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be signed by the:
 - a) owner of the business; or
 - b) the owner's agent duly authorized.
- .2 An application for a licence shall state:
 - a) the name of the licensee;
 - b) the name of the business;
 - c) the nature of the business;
 - d) the number of persons engaged or occupied in the business;
 - e) the zoning classification of the business premises;
 - f) the location of the business premises; and
 - g) any additional information that the Licence Inspector reasonably requests to assist in determining whether the applicant complies with all applicable enactments in relation to the business.
- .3 An application for a licence shall include a site plan indicating the location of required on-site vehicle parking spaces for the proposed use class as well as all uses occurring on the parcel under application as required by the applicable electoral area zoning bylaw.
- .4 An application for a licence involving any type of business listed at Schedule 'A' (Specific Business Use Regulations) of this bylaw shall include the application requirements listed for that use.
- .5 No person shall make any material representations on an application for a licence, including with respect to 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 application fee.

10.0 Lapse of Application

- .1 If an application, including an application to renew an existing licence is deemed by the Licence Inspector to be incomplete:
 - a) the Licence Inspector will request that the applicant provide the outstanding required information; and
 - b) if the applicant does not provide the required information within two (2) weeks of the request, the application and any applicable fee, as outlined in the Regional District's Fees and Charges Bylaw, will be returned and the file will be closed.
- .2 Re-application for a licence that has previously been closed by the Licence Inspector in that calendar year will be deemed a new business.

11.0 Multiple Uses on a Parcel

- .1 The Chief Administrative Officer has sole discretion in determining what constitutes a complementary business in the context of multiple uses on one parcel.
- .2 Despite sub-section 11.1, a business operating with multiple uses on one parcel that complement each other are subject to the highest licence fee for their business plus a reduced rate for each complementary business as provided in the Fees and Charges Bylaw.

12.0 Issuance of Licences

- .1 Upon being satisfied that a licence application meets the requirements for issuance of a licence, the Licence Inspector may issue a licence.

13.0 Conditions of Approval

- .1 In issuing a licence, the Licence Inspector may specify conditions relating to the following:
 - a) the term of a licence shall not extend beyond December 31st of the year in which it is issued; and
 - b) any requirements listed for a use class under Schedule 'A' (Specific Business Use Regulations) of this bylaw.
- .2 No licensee shall:
 - a) contravene, or permit the contravention of, any term of this bylaw; or
 - b) contravene, or permit the contravention of, any term or condition of their licence.

14.0 Notice of Decision

- .1 Written notice of a decision in relation to a licence application shall be mailed or otherwise delivered to an applicant at the address provided on the application form within thirty (30) calendar days immediately following the date of the decision.

15.0 Display of Licence

- .1 A business with an active licence must display the licence at all times in an area clearly visible upon entrance to the business premises or otherwise as designated by the Licence Inspector.

16.0 Refusal, Suspension and Cancellation of a Licence

- .1 The *Licence Inspector* may refuse to issue, suspend or cancel a licence for:
 - a) failure by an applicant or a licensee to comply with a term or condition of the licence; and,
 - b) failure by an applicant or a licensee to comply with a Regional District bylaw, or provincial or federal laws and regulations;provided that the Licence Inspector has, before the refusal to issue, suspend or cancel, given the applicant or licensee seven (7) days' notice of the proposed refusal to issue, suspend or cancel, and, in the case of a licence suspension or cancellation, an opportunity to be heard.
- .2 The Licence Inspector must provide written notice to the applicant or licensee of their decision to refuse to issue, suspend or cancel the licence.
- .3 The notice provided in sub-section 16.2 must be sent by registered mail to the address listed on the licensee's application for a licence.
- .4 A person must not operate a business while a licence is suspended or cancelled.

17.0 Reconsideration of a Decision

- .1 When the Licence Inspector exercises their authority to grant, refuse to issue, suspend, or cancel a licence, the applicant or licensee is entitled to have the Board reconsider the matter.
- .2 A person requesting the Board to reconsider the granting, 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 that the letter pursuant to sub-section 17.1 was sent.
- .3 A request for the Board's reconsideration must concisely state the grounds for the appeal.
- .4 A request for reconsideration will be considered by the Board at a regular meeting.

18.0 Transfer of a Licence

- .1 A licence granted under this bylaw may not be transferred to another person.
- .2 Where a business has been sold, the new owner must obtain a new licence for the business before commencing operation.

19.0 Updates to a Licence

- .1 A licensee must notify the Licence Inspector of any change of premises, address, or contact information in relation to the business for which a licence has been issued, and must obtain an updated licence before the change occurs.
- .2 If the Licence Inspector receives notice under sub-section 19.1, the Licence Inspector may update the licence relating to the business to reflect the change set out in the notice.
- .3 The Licence Inspector may refuse to update a licence under sub-section 19.2 where the premises to which the applicant wishes to transfer the licence do not comply with the requirements of the Regional District's bylaws regulating building, zoning, or sanitation.

20.0 Licence Expiration

- .1 Unless otherwise explicitly stated on the licence, licences issued under this bylaw are valid for the period commencing January 1st and expiring December 31st of each year.

21.0 Licence Renewal

- .1 All 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 in the year subsequent to the year in which the fee was payable.

22.0 Enforcement

- .1 The CAO, Enforcement Officers, those persons retained by the Regional District for inspection purposes, and agents of the Regional District are authorized individually or in any combination to enter at all reasonable times on any parcel and into any building or structure to ascertain whether the provisions of this bylaw are being observed.
- .2 No person shall prevent or obstruct, or attempt to prevent or obstruct, a person authorized under sub-section 22.1 from the exercise or performance of their powers, duties or functions under this bylaw.

23.0 Penalty

- .1 Any person who violates any of the provisions of this bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions 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 and is subject to:
 - a) upon summary conviction, a fine not exceeding \$50,000.00 , being the maximum allowed by statute, and the costs of prosecution; and
 - b) a penalty in accordance with the *Local Government Bylaw Notice Enforcement Act* and the applicable electoral area zoning bylaw if a bylaw notice is issued respecting the violation.

- .2 Each day a new violation of or failure to comply with any provisions of this bylaw continues to exist shall constitute a separate offence.
- .3 Any penalty imposed pursuant to this bylaw will be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or regulation.

24.0 Severability

If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw and such invalidity shall not affect the validity of this bylaw.

READ A FIRST, SECOND AND THIRD TIME this 6th day of March, 2025.

ADOPTED this _____ day of _____, 2025.

Board Chair

Corporate Officer

Schedule 'A' – Specific Business Use Regulations

1.0 SHORT TERM RENTAL ACCOMMODATION

- a) Regulations in this section apply to all “short-term rental accommodation” businesses as defined in the applicable electoral area zoning bylaw.
- b) An application for a Business Licence for a “short-term rental accommodation” business shall include the following:
 - i) Proof of compliance with the “principal resident requirement” as defined in the *Short-Term Rental Accommodations Act* [SBC 2023] Chapter 32, except where the business will be conducted in an area where the “principal resident requirement” does not apply”;
 - ii) A Floor Plan of the entire building that contains the dwelling unit proposed for the short-term rental accommodation use indicating all bedrooms to be used by patrons;
 - iii) a Parking Plan indicating the location of all on-site vehicle parking as required by the applicable electoral area zoning bylaw;
 - iv) a Health and Safety Inspection report, completed to the satisfaction of the Regional District, indicating the dwelling unit complies with the following:
 - .1 the dwelling unit has been authorized by the Regional District for residential use through the issuance of an Occupancy Permit;
 - .2 one (1) fire extinguisher is provided per floor and mounted in a visible location;
 - .3 interconnected smoke alarms are provided on each level;
 - .4 carbon monoxide alarms are installed where a dwelling unit has been furnished with appliances fueled by gas or wood;
 - .5 spark arrestors have been installed on all wood burning chimneys;
 - .6 bedrooms windows comply with Building Code requirements for egress;
 - .7 stairs, decks and balcony have guard rails installed (as required);
 - .8 electrical and gas systems are in good general condition; and
 - .9 hot tubs have a lockable cover and pools are surrounded by a minimum 1.2 metre high fence.
 - v) a Fire Evacuation Plan of the dwelling unit showing:
 - .1 the location of each sleeping unit and bed to be used as part of the short-term rental accommodation;
 - .2 all points of egress;

- .3 fire evacuation routes; and
 - .4 the location of all fire extinguishers, smoke alarms and carbon monoxide alarms.
- c) In issuing a licence for a “short-term rental accommodation” business, the *Licence Inspector* may specify conditions relating to the following:
 - i) the inclusion of the Regional District business license number in all advertisements for the short-term rental accommodation;
 - ii) the provision to the Regional District of contact information or an alternative local contact and/or local property management company for use, 24 hours a day, for response to nuisance complaints registered with the Regional District; and
 - iii) posting of the following information for patrons within the dwelling unit:
 - .1 Fire Evacuation Plan;
 - .2 Parking Plan; and
 - .3 Tourist Accommodation Guidelines.
- d) No person shall advertise a “short-term rental accommodation” by any means without holding a valid business licence.
- e) No person shall advertise a short-term rental accommodation as having more bedrooms or sleeping units than are available at the short-term rental accommodation.