

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

## **SUN PEAKS MOUNTAIN RESORT MUNICIPALITY**

### **BYLAW NO. 0203, 2023**

#### **A BYLAW TO REGULATE THE LICENSING AND FEES FOR BUSINESSES OPERATING IN THE SUN PEAKS MOUNTAIN RESORT MUNICIPALITY**

---

WHEREAS the *Community Charter* authorizes the Municipality to make laws in respect of the regulation of businesses within the Municipality;

NOW THEREFORE, the Council of the Sun Peaks Mountain Resort Municipality, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

#### **1. Citation and Short Title**

- 1.1 This Bylaw may be cited as “BUSINESS LICENSING AND REGULATION BYLAW NO. 0203, 2023”.

#### **2. Interpretation and Application**

- 2.1 Unless specifically defined herein, words and phrases used in this Bylaw shall be construed in accordance with the meanings assigned to them in the *Community Charter*, as the context and circumstances require.
- 2.2 Every reference to a statute in this Bylaw refers to a statute of the Province of British Columbia, unless otherwise indicated, and every reference to a bylaw or other enactment, refers to that enactment as amended or replaced from time to time.
- 2.3 If any part, section, subsection, or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed, and the remainder of the regulation will be deemed to have been enacted without the invalid portion.
- 2.4 This Bylaw does not apply to:
  - (a) occasional fundraising activities held by educational organizations, religious institutions, sports teams, societies, or other non-profit organizations;
  - (b) tenancy agreements, commercial rentals, and residential property subject to the *Residential Tenancy Act*;

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

- (c) an activity carried on by or on behalf of the Provincial or Federal government or a corporation or agency of the government.

2.5 In this Bylaw:

***Auxiliary Residential Dwelling Unit*** means a dwelling unit that is contained within a single-family dwelling.

***Business*** means carrying on a commercial or industrial undertaking of any kind or nature or the providing of a professional, personal or other service for the purpose of gain or profit but does not include delivery of goods such as furniture or appliances purchased from retailers located outside of the Municipality.

***Cannabis*** means cannabis as defined in the *Cannabis Act* and includes any products containing cannabis.

***Cannabis Retail*** means the retail sale of Cannabis in accordance with all applicable legislation and regulations.

***Council*** means council for the Sun Peaks Mountain Resort Municipality.

***Dwelling Unit*** means a self-contained set of habitable rooms, including at least one bathroom and one set of permanently installed cooking facilities.

***Guest(s)*** means a person who pays for services at an establishment, including but not limited to food and beverage and accommodation, and any person non-related to the property owner who is invited to stay overnight.

***Home business*** means a business carried on within a residential dwelling by a person who resides in that dwelling.

***Hotel*** means any premises used exclusively for the temporary lodging of the general public, that has the services on its premises of a front desk continuously operated for a minimum of 6 hours a day for more than 120 days in any consecutive 365-day period.

***License*** means a License issued by a License Inspector pursuant to this bylaw for the operation of a business within the Municipality.

***License Inspector*** means a person appointed by Council to act as License Inspector for the Municipality.

***Maximum Occupancy*** means the maximum occupancy permitted in a short-term rental as calculated in accordance with Part 4 of this Bylaw.

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

***Municipality*** means the Sun Peaks Mountain Resort Municipality.

***New Applicant*** means a business first established or commenced after July 1.

***Non-Resident Business*** means a business, other than a resident business, carried on in the Municipality or with respect to which any work or service is performed, including single, one-time events or contracts.

***Premises*** means the location or building, portion of a building or an area of land where a business is carried out or that is the subject of an application for a License.

***Resident Business*** means a business carried on in, or from, premises within the Municipality.

***Short Term Rental*** means the occupation of residential property by paying and non-paying Guests.

### **3. License Requirements**

- 3.1 A person must not engage in or carry on a business unless that person holds a valid and subsisting License issued by the License Inspector pursuant to this Bylaw.
- 3.2 A person may apply for a License by completing an application form and delivering it to the License Inspector, together with any further information that may be requested by the License Inspector and payment of the fee identified in Schedule A for that License.
- 3.3 Every person carrying on more than one business must obtain a separate License for each business.
- 3.4 Every person who carries on business from more than one premise in the Municipality must obtain a separate License for each premise.
- 3.5 A person must not carry on a business at any premises other than the premises specified in a License under this Bylaw.
- 3.6 Any Person who:
  - a) advertises, promotes, or indicates by any means, including but not limited to newspaper, signage, internet, TV, radio or otherwise, as open for business of any kind within the Municipality or available to render services within the Municipality;

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

- b) is a realtor advertising or posting realtor signage offering a Sun Peaks property for rent or sale;
- c) performs an ongoing task for remuneration;
- d) delivers and installs construction products on more than one occasion;
- e) is an associate member of Tourism Sun Peaks; or
- f) is making property available for Short Term rental.

is deemed to be carrying on a business and requires a valid and subsisting License.

- 3.7 A person to whom a License has been issued under this Bylaw must, within 7 days, notify the License Inspector in writing of any change or correction to the information provided on the business License application.
- 3.8 Prior to changing the location or any condition related to size, volume, number or other limit or restriction noted in the License, the License holder must apply to the License Inspector to have the License modified accordingly.
- 3.9 A License issued under this bylaw is personal to the licensee named therein and is not transferable. In the event of a change of operator of the business for which such License was issued, the new operator must apply for a new License under this bylaw.
- 3.10 A License shall be valid for the calendar year unless the License is cancelled or revoked pursuant to this bylaw.
- 3.11 New applicants will pay a prorated License fee of 50% after July 1<sup>st</sup> while renewals will be required to pay for the full year.
- 3.12 A license is non-refundable upon issuance. A License may be refunded prior to issuance less a \$35 administration fee.
- 3.13 The person to whom a License has been issued must ensure that the License is posted in a conspicuous place and manner in a part of the premises to which the public has access, or as directed by the License Inspector.

#### **4. Short Term Rental Regulations**

##### **License Application Requirements**

- 4.1 A business License is required for:
  - a) each short-term rental property within all TA, R-1A, RS-1A or CC1 that is not a Hotel;
  - b) each short-term rental property with a Temporary Use Permit; and

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

- c) each short-term rental property with a RM zone with written approval from its strata council prior to April, 2018.
- 4.2 Each applicant for a short-term rental business License shall submit a complete application on the form designated by the License Inspector.
- 4.3 Without limiting s. 4.2 each application for a short-term rental business license shall include proof of registration with Tourism Sun Peaks, paying both business and common assessment fees, acknowledgement that the owner or agent will collect PST/MRDT if applicable, a garbage disposal plan and, for single/two-family applications, a to-scale landscaping plan delineating snow storage and parking.
- 4.4 Each applicant for a short-term rental business License must undergo a fire/life safety and building inspection before the initial License is issued. Additional inspections may be required with reasonable notice.

## **Regulations**

- 4.5 The maximum occupancy for a short-term rental subject to 4.2 is:
  - a) For a principal dwelling unit in a single-family dwelling: 2 people per bedroom + 4 people;
  - b) For an auxiliary residential dwelling unit only: 3 people per bedroom;
  - c) For a full single-family dwelling: 2 people per bedroom + 4 people, to a maximum of 16 people total;
  - d) For a condo or townhouse: 2 people per bedroom + 2 people;
  - e) For a studio unit: 3 people per unit.
- 4.6 A short-term rental shall not advertise occupancy in excess of the maximum occupancy at any time.
- 4.7 A short-term rental shall not advertise prior to issuance of a valid and subsisting business License and compliance with Part 4 of this Bylaw.
- 4.8 A short-term rental subject to 4.1 b) shall not accept bookings for stays beyond the expiry date of the permit.
- 4.9 All short-term rental advertising must include the Business License number.
- 4.10 Each short-term rental must provide to the License Inspector the contact information for an on-mountain management person who must be available to respond within 30 minutes, 24 hours a day, 7 days a week, year-round whenever a dwelling is being rented.

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

4.11 Each short-term rental unit must display a sign or notice visible upon entering the unit which displays the:

- a) Business License number
- b) Maximum occupancy of the unit;
- c) Maximum overnight parked vehicles;
- d) Hot tub hours, if applicable;
- e) Noise Bylaw regulations;
- f) Garbage disposal plan;
- g) Name, email, and telephone number of the 24-hour, on-mountain contact person; and
- h) Municipal Bylaw department contact information.

4.12 A sign or notice indicating fire evacuation routes must be posted in each dwelling unit.

4.13 Each single and two-family short-term rental property must abide by the parking plan approved during rezoning or temporary use permit approval.

4.14 Notwithstanding Section 4.13, no short-term rental property may have more than five (5) vehicles parked onsite overnight.

## **5 Cannabis Retail Sales**

5.1 The sale of Cannabis for medical purposes is not permitted in any zone except within a pharmacy that is registered as required by the *Pharmacy Operations and Drug Scheduling Act*.

5.2 All Retail Cannabis businesses will require a business License but excludes the sale of Cannabis for medical purposes.

5.3 Retail Cannabis is not permitted within two hundred and fifty (250) metres of

- (a) a school;
- (b) library;
- (c) park;
- (d) sports field; or
- (e) daycare.

5.4 Operating hours of a Retail Cannabis business must not be later than 9 PM.

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

5.5 A cannabis retail business must install and maintain a 24-hour security system including but not limited to:

- (a) Response alarm; and
- (b) Security cameras within the retail space.

## **6 Bed and Breakfast**

6.1 No person shall advertise a Bed and Breakfast accommodation without providing an on-site breakfast.

## **7 General Requirements**

7.1 A person carrying on a resident or non-resident business within the Municipality must comply with this Bylaw and with all terms, conditions, restrictions, and limits of a License issued by the License Inspector.

7.2 A business must remain in compliance with all applicable municipal, Provincial and Federal bylaws and regulations at all times while operating, including but not limited to the BC Building Code and BC Fire Code.

## **8 License Inspector**

8.1 The License Inspector may, at reasonable times and in a reasonable manner, enter on or into a property, building or other premises where business is or appears to be conducted, to inspect or investigate to determine whether the requirements of this Bylaw are being observed, and to administer and enforce this bylaw.

8.2 If, in the discretion of the License Inspector, it is necessary in determining whether a License should be issued; in entering premises; in conducting an inspection; or in enforcing this Bylaw; the License Inspector may seek information from, consult with, or be accompanied and assisted by any of the following persons:

- (a) a police officer or other peace officer;
- (b) a public health official or licensed medical practitioner;
- (c) a member of the Municipality's Fire Rescue department;
- (d) a building inspector;

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

- (e) a person who is qualified under a statute or by an occupational, trades, or professional standards body to assess, supervise, take action, give direction or make orders or recommendations on the business or an aspect of it that is the subject of the inspection or enforcement process; or
  - (f) another person who, in the opinion of the License Inspector, would have the knowledge, skill or expertise relevant and necessary to making a determination as to matters pertaining to the business at issue.
- 8.3 On receiving a completed application form, the License Inspector may require further information from the applicant that, in the opinion of the License Inspector or a person described in subsection 8.2 (a) through (f), is relevant and material to determining whether a License should be issued under this bylaw.
- 8.4 Without limiting the generality of the foregoing, a business License applicant may be required to undergo a criminal record search by the Royal Canadian Mounted Police for background and purposes relevant to the applicant's type of business and must pay any fee associated with that search.
- 8.5 A License Inspector may issue a License under this bylaw when satisfied that the applicant is in compliance with this and other applicable bylaws and Provincial and Federal laws or standards, and it appears that the business will be carried on in a safe and reasonable manner.
- 8.6 The License Inspector may refuse to issue or renew a License and may suspend or cancel a License that has been issued, for reasonable cause, including but not limited to non-compliance with this bylaw or with a term, limit, restriction, requirement or condition of a License issued under this Bylaw, or non-payment of any municipal fines.
- 8.7 If requested, the License Inspector shall state in writing the reasons for refusal of the License.
- 8.8 Before suspending or cancelling a business License, the License Inspector must give the License holder notice of the proposed action and an opportunity to be heard.
- 8.9 Within 30 business days of the date the License Inspector has delivered a decision, a person who has been refused a License, or whose License has been suspended or cancelled, may apply to Council for a reconsideration.
- 8.10 On receiving a request for reconsideration, Council may request further information that it considers relevant. Council will provide an opportunity for the License applicant or holder, and any other person whom the Council considers may have information that is relevant to the decision, to be heard.



This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

- 8.11 Council may confirm, vary or set aside the decision of the License Inspector and may impose any terms, conditions, restrictions and requirements it deems appropriate in the circumstances.
- 8.12 A person must comply with any terms, conditions, restrictions and requirements imposed by Council in connection with a decision to vary or set aside the decision of the License Inspector.

## **9 Offence and Penalty**

- 9.1 A person who contravenes or violates any of the provisions of this bylaw, who suffers or permits any act to be done in violation of this bylaw, or who fails or neglects to do anything required to be done by any provision of this bylaw, commits an offence, and each day that the offence continues shall constitute a separate offence.
- 9.2 This bylaw may be enforced by way of a notice issued under the *Bylaw Notice Enforcement Bylaw No. 0011, 2010*, under a municipal ticket information procedure under Division 3 of Part 8 of the *Community Charter*, or as a proceeding in Provincial Court under the *Offence Act*.
- 9.3 A person convicted of an offence under this bylaw is liable to pay:
  - (a) a fine not exceeding \$50,000 if a proceeding is brought in Provincial Court under the *Offence Act*; or
  - (b) a fine not exceeding \$500 if a bylaw notice is issued under the *Local Government Bylaw Notice Enforcement Act*.
- 9.4 A person required to be licensed under the provisions of this Bylaw who has failed to renew the License by January 31<sup>st</sup> of the licensing period shall pay a penalty of 10% of the License fee in addition to the License fee.

10 Schedule A is attached to and forms part of this Bylaw.

11 This bylaw repeals Business Licensing and Regulation Bylaw No. 0030, 2013.

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources.

## SCHEDULE “A”

### Sun Peaks Mountain Resort Municipality CLASSIFICATION and FEE SCHEDULE

Business Operation	Fee
<b>Non licensed restaurants/snack bar</b>  Business operation where prepared food or non-alcoholic beverages (not licensed under the Provincial Liquor Control and Licensing Act) are served to the public for consumption on or off the premises.	Flat Fee \$300
<b>Licensed Full-Service Restaurant/Bar</b>  Business operation where food and alcoholic beverages are served to the public for consumption on the premises. Licensed as either primary food or primary liquor services by the Provincial Liquor Control and Licensing Act, including off premises liquor sales.  ≤ 50 m2 of seating space 51 - 100 m2 of seating space ≥ 101 m2 of seating space	Flat Fee \$300 Flat Fee \$400 Flat Fee \$500
<b>Cabaret/Night Club Licensed Bars</b>  Business operation which primarily serves alcohol with or without entertainment on the premises licensed to provide entertainment and where alcohol is served after midnight on most evenings of operation.	Flat Fee \$750
<b>Liquor Store/Beer and Wine Store/Retail Cannabis Store</b>  Business operation where alcohol and/or cannabis is sold and licensed by Provincial and/or Federal regulation for off premises consumption.	Flat Fee \$500
<b>Professional/Contractor Services</b>  Business operation providing professional/contractor services at locations within the SPMRM.	Flat Fee \$150
<b>Retail Sales/Rental Outlets/Real Estate Offices</b>  Establishment selling/renting goods and articles to the public at large or selling real estate located within SPMRM.  ≤ 93 m <sup>2</sup> of retail space  > 93 m <sup>2</sup> and ≤ 185 ft2 of retail space  > 185 m <sup>2</sup> of retail space  In addition, there is a \$50 per licensed real estate agent fee	< 93 m2 of retail space \$200 ≥ 93 m2 of retail space \$300
<b>All other businesses not listed</b>	Flat Fee \$150
<b>Ski Lift Operator</b>  Business that operates ski lifts	Flat Fee \$700
<b>Golf Course Operator</b>  Business that operates a golf course	Flat Fee \$700
<b>Hotel/Rental Property Managers</b>  Business operators who manage the short-term rental of properties within SPMRM. ≤ 25 properties/rooms > 25 and ≤ 100 properties/rooms > 100 properties/rooms	Flat Fee \$350 Flat Fee \$400 Flat Fee \$500
<b>Short Term Rental Properties (each property requires a licence)</b>  Any legally permitted property providing Tourist Accommodation that is not a Hotel. Fees are calculated on each unit (i.e. main + suite).	Studio - 2 BR \$350 3+ BR \$750