

TOWN OF CRESTON
BYLAW NO. 1793

Consolidated to
March 12, 2024

A Bylaw to regulate business licences in the Town of Creston

WHEREAS the *Community Charter* authorizes Council, by Bylaw, to provide for a system of business licences and regulations,

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Title

1. This Bylaw may be cited as “Business Licence Bylaw No. 1793, 2017”.

Part 2 Definitions

In this Bylaw, unless the context otherwise requires,

“**Business**” means

- (a) carrying on a commercial or industrial undertaking of any kind, or
- (b) providing professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the Provincial government, its agencies or corporations owned by the Provincial government, or by agencies of the Provincial government.

“**Council**” means the Council of the Town of Creston.

“**Fee**” and “**Fees**” means the fees and charges prescribed by the *Fees and Charges Bylaw*.

“**Fees and Charges Bylaw**” means the Fees and Charges Bylaw in force from time to time and adopted by the Council under the *Community Charter* or similar successor legislation.

“**Licence Inspector**” means the Director of Finance and Corporate Services, or alternatively the Town Manager, appointed by Council as Licence Inspector(s) by way of adoption of this Bylaw.

“**Municipality**” means the Town of Creston.

“**Public Safety Compliance Officer**” means the person appointed by Council for the purposes of Bylaw enforcement / compliance for the Town of Creston.

“**Short Term Rental**” means the rental of a dwelling unit, or portion thereof, to short-term paying guests for periods not exceeding thirty (30) days.

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Part 3 Powers of the Licence Inspector

1. The Licence Inspector may issue a business licence when satisfied that the applicant has complied with the Bylaws of the municipality regulating building, zoning, health, safety, sanitation and business.

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2. The Licence Inspector may refuse to issue, or suspend, a business licence for reasonable cause and without limiting the generality of this authority. The following circumstances may constitute reasonable cause:
- (a) the holder fails to comply with a term or condition of the licence;
 - (b) the holder is convicted of an offence indictable in Canada;
 - (c) the holder is convicted of an offence under an Act or municipal Bylaw in respect of the business for which the holder is licenced or with respect to the premises named in the licence;
 - (d) the holder is deemed, under the *Community Charter* or *Local Government Act* or the *Offence Act*, to have pleaded guilty to an offence referred to in Part 3, Section 2(c) of this Bylaw;
 - (e) the holder has ceased to meet the lawful requirements to carry on the business for which the holder is licenced or with respect to the premises named on the licence;
 - (f) the holder has, in the opinion of the Licence Inspector,
 - (i) conducted the holder's business or performed a service in a manner that may be harmful or dangerous to the health or safety of a person under the age of 16 years, or
 - (ii) has sold, offered for sale, displayed for sale or distributed to a person under the age of 16 years, anything that may be harmful or dangerous to the health or safety of a person under the age of 16 years.
 - (g) the holder is not, or fails to continue to be, a fit and proper person to operate a business within the municipality; and,
 - (h) the business is not lawful or otherwise not in the best interests of the property owners, residents and other businesses or institutions in the area of the municipality in which the business is to be located, including as determined through compliance with municipal Bylaws, the *Criminal Code*, *Controlled Drugs and Substances Act* and other Provincial or Federal laws.
3. The Licence Inspector or Public Safety Compliance Officer may enter at all reasonable times upon any land within the municipality to ascertain whether the regulations or directions of this Bylaw are being observed.
4. In circumstances where there is a question as to the lawfulness of the business or whether the applicant is a fit and proper person, the Licence Inspector may request, and the applicant shall provide, a criminal record check, proof of certification or qualifications relevant to the business and other information as deemed appropriate in the circumstances. For clarity, this provision does not authorize the collection of information, other than contact information, from third parties contrary to the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165.

Part 4 Cancellation or Refusal of a Licence

1. Council may cancel a business licence for reasonable cause after giving notice to the licence holder and after giving the holder an opportunity to be heard, in accordance with the *Community Charter*.

2. The notice and opportunity to be heard as per Part 4, Section 1 of this Bylaw is not required for a licence holder who cannot be found by reasonable efforts.
3. A person who has applied for but failed to be granted a business licence by the Licence Inspector may appeal to Council.
4. A person whose business licence has been suspended by the Licence Inspector may appeal to Council, which may confirm the suspension, set aside the suspension, or impose any terms and conditions it deems appropriate.
5. Despite the *Community Charter* or the *Local Government Act* or the Bylaws of the municipality, a Council may, on the affirmative vote of at least 2/3 of its members, refuse in any particular case to grant the request of an applicant for a licence, but the granting or renewal of a licence must not be unreasonably refused.

Part 5 Licences and Applications

1. No person shall carry on any business within the municipality unless he/she is the holder of a valid and subsisting licence issued to him/her under this Bylaw by the Licence Inspector.
2. The Licence Inspector may impose terms and conditions on any licence and failure to comply with those terms will constitute grounds for licence suspension and/or cancellation.
3. The application for a business licence shall be in the format identified by the municipality and shall be delivered to the Licence Inspector and signed by the owner of the business or his duly authorized agent, provided that in the case of partnership or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all of the owners or of the partnership.
4. The fee for the business licence is prescribed in the *Fees and Charges Bylaw*.
5. Every business licence issued pursuant to this Bylaw shall be in the format identified and prescribed by the municipality.
6. For the purposes of this Bylaw, if a business is carried on, in, or from more than one premises in the municipality, the business carried on from or in each location is deemed to be a separate business.
7. Except as specified in the *Fees and Charges Bylaw*, business licences shall be issued so as to terminate on December 31st in each year.
8. Unless specifically permitted in this Bylaw, or any other municipal Bylaw, no proportionate reduction or refund of any licence fee shall be made on account of any person commencing or ceasing to do business at any particular time during the year.
9. If the owner of a business sells or otherwise changes the ownership or location of a business, or alters any of the licence classifications listed in Part 5, Section 4 of this Bylaw, it shall be incumbent on the licence holder to immediately inform the Licence Inspector.
10. DELETED

Part 6 Short Term Rentals**1. Short Term Rental Licence Regulations**

- (a) A requirement of this Bylaw pertaining to Short Term Rentals does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- (b) No person shall operate a Short Term Rental unless the premises can be demonstrated to be that person's Principal Residence.
- (c) No person shall operate a Short Term Rental without a valid and subsisting licence.
- (d) No person shall offer or advertise a Short Term Rental without a valid licence in respect of such Short Term Rental.
- (e) Short Term Rentals are subject to inspection by the Fire Department once every three (3) years, whether or not the Short Term Rental has been continuously licenced during that period. At the discretion of the Fire Chief, the inspection required at the time of initial application may be waived if the subject property has been subject to a full inspection within the previous three (3) years.

2. Short Term Rental Licence Applications

- (a) Any person making an application for a Short Term Rental Licence shall, at the time of making such application, in addition to the general requirements under this Bylaw, provide:
 - (i) proof of ownership of the premises from which the Short Term Rental will be operated;
 - (ii) proof of Principal Residence;
 - (iii) owner authorization when the Short Term Rental is operated by anyone other than the owner; and
 - (iv) a filled out copy of the welcome booklet (provided by the Town) to short-term guests.
- (b) In considering an application for a Short Term Rental Licence, the Licence Inspector may:
 - (i) consider whether a Short Term Rental licence held by the applicant has been revoked in the preceding two (2) licence periods;
 - (ii) require an inspection of the premises from which the Short Term Rental will be operated notwithstanding that, the Licence Inspector may grant approval of the application without an inspection subject to the condition that if upon subsequent inspection, the Short Term Rental fails to comply with the requirements of this Bylaw, the Licence Inspector shall suspend or cancel the licence; or
 - (iii) withhold approval of a licence if an applicant and/or property owner has outstanding unpaid penalties issued under the Bylaw Notice Enforcement Bylaw No. 1760.

3. Short Term Rental Licence Renewal

- (a) An application for renewal of a business licence accompanied by the additional Short Term Rental requirements outlined in this bylaw must be received by the Town by January 31st in each calendar year.

4. Advertising and Online Booking Platforms

- (a) Every advertisement for a Short Term Rental must disclose, in respect of the Short Term Rental being advertised:
 - (i) a valid business licence number.
- (b) All required taxes, including Municipal Regional District Tax, must be collected for all Short Term Rental bookings.

5. Short Term Rental Guest Registry

- (a) Every person carrying on the business of a Short Term Rental must:
 - (i) establish and maintain a daily register of the name, telephone number, address, and vehicle licence plate number, for every overnight guest of the business; and
 - (ii) upon request from the Town, supply a copy of the guest register to the Licence Inspector.
- (b) The Town may request a copy of the guest register on any day of the calendar year between the hours of 8:00 am and 8:00 pm.
- (c) The Town may request from the licensee, booking records as produced directly from each online listing platform used to advertise the licensed premises in the current calendar year on any day of the calendar year between the hours of 8:00 am and 8:00 pm.

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Part 7 Offences and Penalties

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- 1. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding Ten Thousand (\$10,000.00) Dollars and not less than Two Thousand Five Hundred (\$2,500.00) Dollars, and is guilty of a separate offence each day that a violation continues or exists.

Part 8 General

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1. Town of Creston Business Licence Bylaw No. 1556, 2002 and amendments thereto, are hereby repealed.
2. This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and a SECOND TIME by content this 10th day of October, 2017.

READ A THIRD TIME by title this 10th day of October, 2017.

ADOPTED this 24th day of October, 2017.

“Ron Toyota”
Mayor Ron Toyota

“Stacey Hadley”
Stacey Hadley, Corporate Officer

INDEX OF AMENDING BYLAWS

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|------------------|---------------------------|
| Bylaw #1924..... | Adopted December 22, 2020 |
| Bylaw #1946..... | Adopted December 21, 2021 |
| Bylaw #1978..... | Adopted March 12, 2024 |

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.