

TOWN OF CRESTON

Consolidated to  
December 2, 2025

BYLAW NO. 1793

**A Bylaw to regulate business licences in the Town of Creston**

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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

BL#2028

- (a) carrying on a commercial or industrial undertaking of any kind;
- (b) providing professional, personal, or other services for the purpose of gain or profit; or,
- (c) rental of a dwelling unit or manufactured home pad if:
  - a. four or more dwelling units or manufactured home pads are located on the same property as the owner's principal residence; or,
  - b. two or more dwelling units or manufactured home pads are located on any other property; and,
- (d) does not include an activity carried on by the Provincial government, an agent of the Provincial government or a corporation owned by the Provincial government.

**"Commercial Vendor"**

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- (a) means a mobile business that offers services within a park or public space or that is carried out entirely from a mobile unit, whereby the entire stock of goods, wares, merchandise, services, or foodstuffs offered for sale is actually carried and contained within a unit that is designed to be, or is mobile, at the time the items are offered for sale; and,
- (b) includes food trucks and mobile retailers.

**"Council"** means the Council of the Town of Creston.

**"Dwelling Unit"** means one (1) or more rooms used or intended for residential use by one (1) or more individuals, with cooking, living, sleeping, and sanitary facilities.

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**“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.

**“Inter-Community Business Licence”** means a business licence that authorizes an inter-community business to be carried on within the boundaries of any or all the participating governments in accordance with Inter-Community Business Licence Bylaw No. 1890, 2019. **BL#2028**

**“Licence Inspector”** means **BL#2028**

- (a) the Director of Community Services;
- (b) the Director of Finance;
- (c) the Town Manager; or
- (d) their authorized designates.

**“Manufactured Home Pad”** means an area of land used or intended to be used for the installation of one (1) manufactured home. **BL#2028**

**“Mobile Business”** means a business that performs a service within the municipality, including a non-location business, and provides the service by travelling to customers or transporting customers. **BL#2028**

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

**“Non-Location Business”** **BL#2028**

- (a) means a business that does not have a physical storefront, building, office, or home location and provides services to customers on-site or delivers directly to customers; and,
- (b) includes a business based outside of the municipality’s boundaries that provides services within the municipality.

**“Participating Government”** means a municipality that is, by bylaw, participating in the Kootenay Inter-Community Business Licence Program. **BL#2028**

**“Principal Residence”** means the dwelling unit in which a person usually lives and conducts daily affairs. A person can only have one principal residence. **BL#2028**

**“Public Safety Compliance Officer”** means a person appointed from time to time by Council as a Public Safety Compliance Officer for the municipality and includes any authorized designate. **BL#2028**

**“Public Space”** means all property or portions of property owned by the municipality in or on which the public is ordinarily invited or permitted, including but not necessarily limited to the grounds of public facilities or buildings, public parking lots, Town Parks, municipal trails, any highway, street, road, lane, or other statutory right-of-way. **BL#2028**

**“Short Term Rental”** means the rental of a dwelling unit, or a portion thereof, to short-term paying guests for periods not exceeding thirty (30) consecutive days. **BL#2028**

**“Town Park”** means all parks listed in Parks, Trails, and Public Spaces Bylaw No. 2030, 2025, as amended from time to time, and any land subsequently reserved or dedicated by bylaw or designated by resolution as a park by Council.

**BL#2028**

### **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.
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) sold, offered for sale, displayed for sale or distributed to a person under the age of 19 years, anything that may be harmful or dangerous to the health or safety of a person under the age of 19 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.

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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**

**BL#2028**

1. No person shall carry on any business within the municipality unless they are the holder of either:
  - (a) a valid and subsisting licence for the business issued to them under this Bylaw by the Licence Inspector; or,
  - (b) a valid and subsisting Inter-Community Business Licence for the business issued by a Participating Government other than the municipality.

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2.
  - (a) The Licence Inspector may impose on a licence any terms and conditions that the Licence Inspector considers to be in the public interest.
  - (b) The Licence inspector may refuse to issue, suspend, or cancel a business licence:
    - (i) because of non-compliance with a statute or bylaw, including this Bylaw;
    - (ii) because of non-compliance with a term or condition of the licence; or,
    - (iii) for reasonable cause.
  - (c) An applicant or licence holder may request that a decision by the Licence Inspector under subsection (a) or (b) above be reconsidered by Council in accordance with section 60(5) of the *Community Charter*.

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 their 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. **BL#2028**
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 31<sup>st</sup> 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 **BL#1946**
11. No licence shall be issued to a person unless the zoning of the location of the business permits such business. **BL#2028**

## **Part 6 Short Term Rentals**

**BL#1978**

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.

## **Part 7 Commercial Vending**

**BL#2028**

1. A commercial vendor operating in or adjacent to a town park shall only operate in a designated commercial vending space identified in Schedule A – Vehicle Commercial Vendors or Schedule B – Mobile Stand Commercial Vendors unless otherwise approved. Commercial spaces in town parks are available to commercial vendors on a ‘first-come, first-served’ basis. The municipality reserves the right to cap the number of commercial vendors operating in a town park.
2. A commercial vendor shall not operate in a public space other than a town park without approval from the Licence Inspector. Public spaces are available on a ‘first-come, first-served’ basis. The municipality reserves the right to cap the number of commercial vendors operating in a public space.
3. A commercial vendor may only conduct business or place a mobile unit on private property if the zoning of the private property permits such business or placement.
4. A commercial vendor must provide the following documentation to the municipality in order to obtain a business licence:
  - (a) proof of third-party liability insurance in the amount of \$2,000,000 per occurrence, naming the municipality as an additional insured;
  - (b) Waiver of Liability for the municipality, in the form provided by the municipality;
  - (c) where the commercial vendor operates a commercial vending vehicle, proof of vehicle registration for that commercial vending vehicle; and
  - (d) where a commercial vendor operates on private property, an Owner Authorization in the form provided by the municipality, signed by the owner of the private property.
5. A commercial vendor selling or distributing items intended for human consumption must have a valid and subsisting Public Health Certificate.
6. A commercial vendor shall:
  - (a) clean up all litter generated within 25 metres of their location;
  - (b) provide garbage receptacles; and
  - (c) remove of all collected garbage from their location.
7. A commercial vendor shall not transmit any form of amplified music or voice.
8. A commercial vendor shall not obstruct or impede the flow of pedestrian or vehicle traffic in or on any sidewalk, highway or town park.

9. Without limiting section 8 of this Part 7, a commercial vendor that operates on a sidewalk or boulevard must maintain a minimum clearance of 1.2 metres for pedestrian traffic on that sidewalk or boulevard at all times.
10. Unless as expressly authorized by the Licence Inspector or an event permit issued by a municipality, a commercial vendor:
  - (a) may only operate between the hours of 7:00 a.m. and 10:00 p.m. in their approved locations; and,
  - (b) must remove their commercial vending vehicle or mobile unit from all town parks and public spaces by 10:00pm each day and not park their commercial vending vehicle or place their mobile unit in any town park or public space prior to 7:00am on any day.
11. A commercial vendor shall not operate at any location within thirty (30) metres of a licenced business offering for sale the same or similar items as the commercial vendor or of any liquor licenced establishment.
12. A commercial vendor shall not deposit, or cause, or permit to be deposited any grease, oil, or any other waste generated from food preparation into a municipal storm, sanitary, or water main.
13. A commercial vendor that intends to use, or does use, the electrical service available in ?aku#ni must, pay the annual site fee specified in *Fees and Charges Bylaw*. Payment of the site fee is a condition of the commercial vendor's business licence. The site fee shall not be prorated or refunded.
14. A commercial vendor must not use external electrical service for a mobile unit except as permitted under section 13.
15. A commercial vendor must not use external piping or plumbing to serve their mobile vending vehicle or mobile unit.
16. A commercial vendor must relocate or remove their mobile vending vehicle at the direction of the Licence Inspector to accommodate events, construction or repairs or where the commercial vendor is in violation of this Bylaw.
17. A commercial vendor may not operate in any residential zone.

## **Part 8 Offences and Penalties**

**BL#1978 & BL2028**

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 9 General**

**BL#1978 & BL2028**

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 10<sup>th</sup> day of October, 2017.

READ A THIRD TIME by title this 10<sup>th</sup> day of October, 2017.

ADOPTED this 24<sup>th</sup> day of October, 2017.

*"Ron Toyota"*  
Mayor Ron Toyota

*"Stacey Hadley"*  
Stacey Hadley, Corporate Officer

**Schedule A – Vehicle Commercial Vendors**

BL#2028

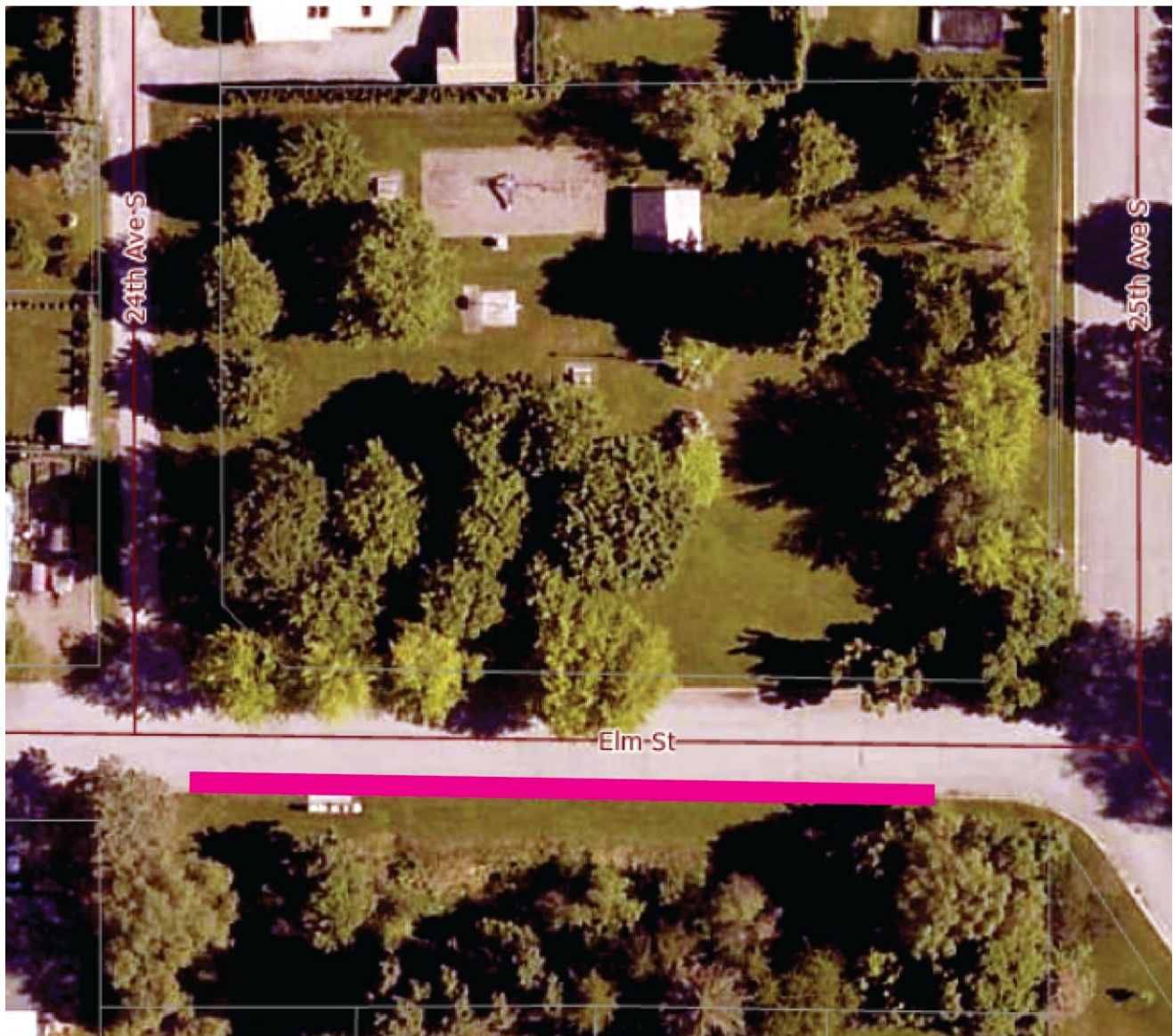


Figure 1: Commercial Vending Area Burns Park (2401 Elm Street)



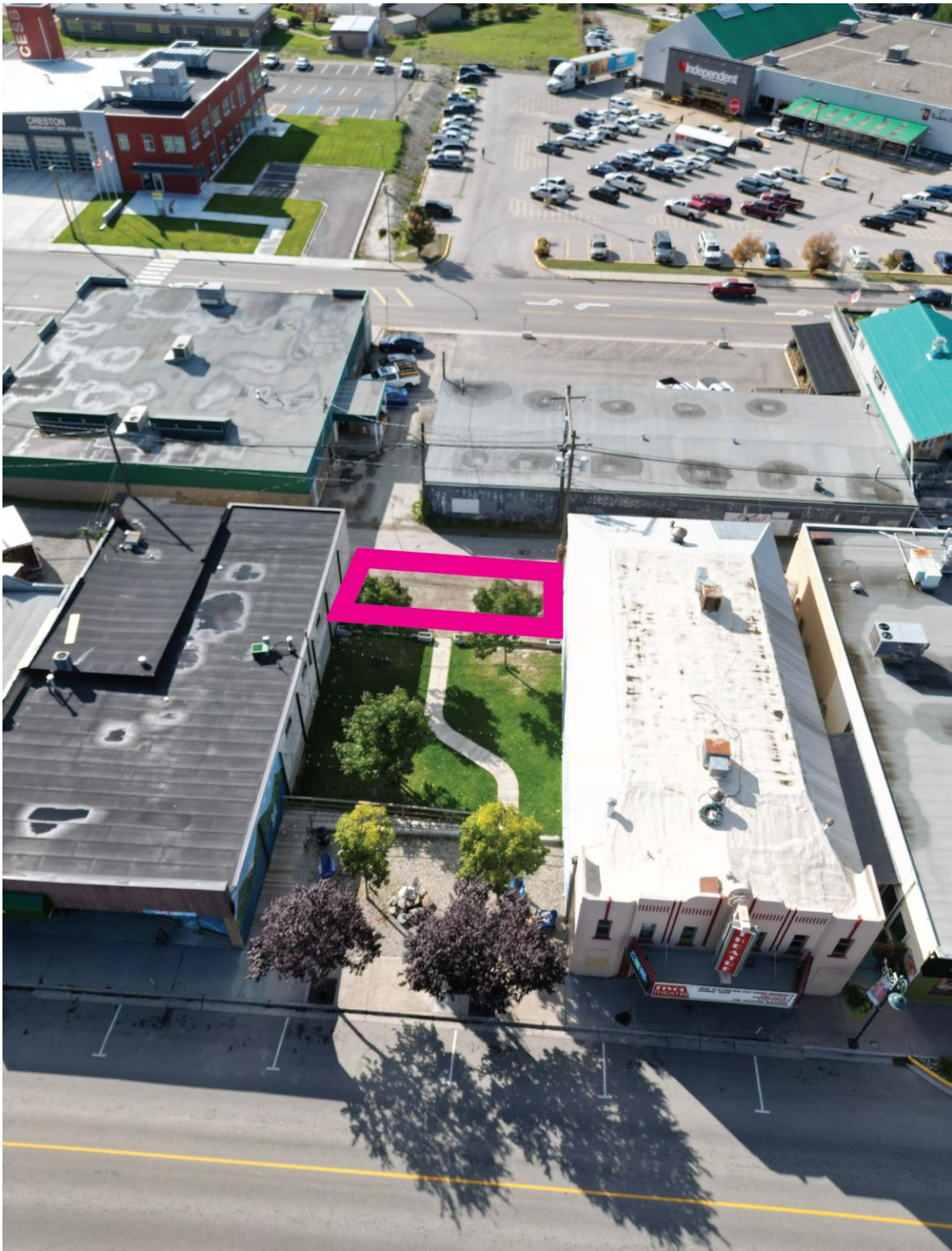


Figure 2: Commercial Vending Area Downtown Green Space (1411 Canyon Street)



Figure 3: Commercial Vending Area Centennial Park (Birch Street)



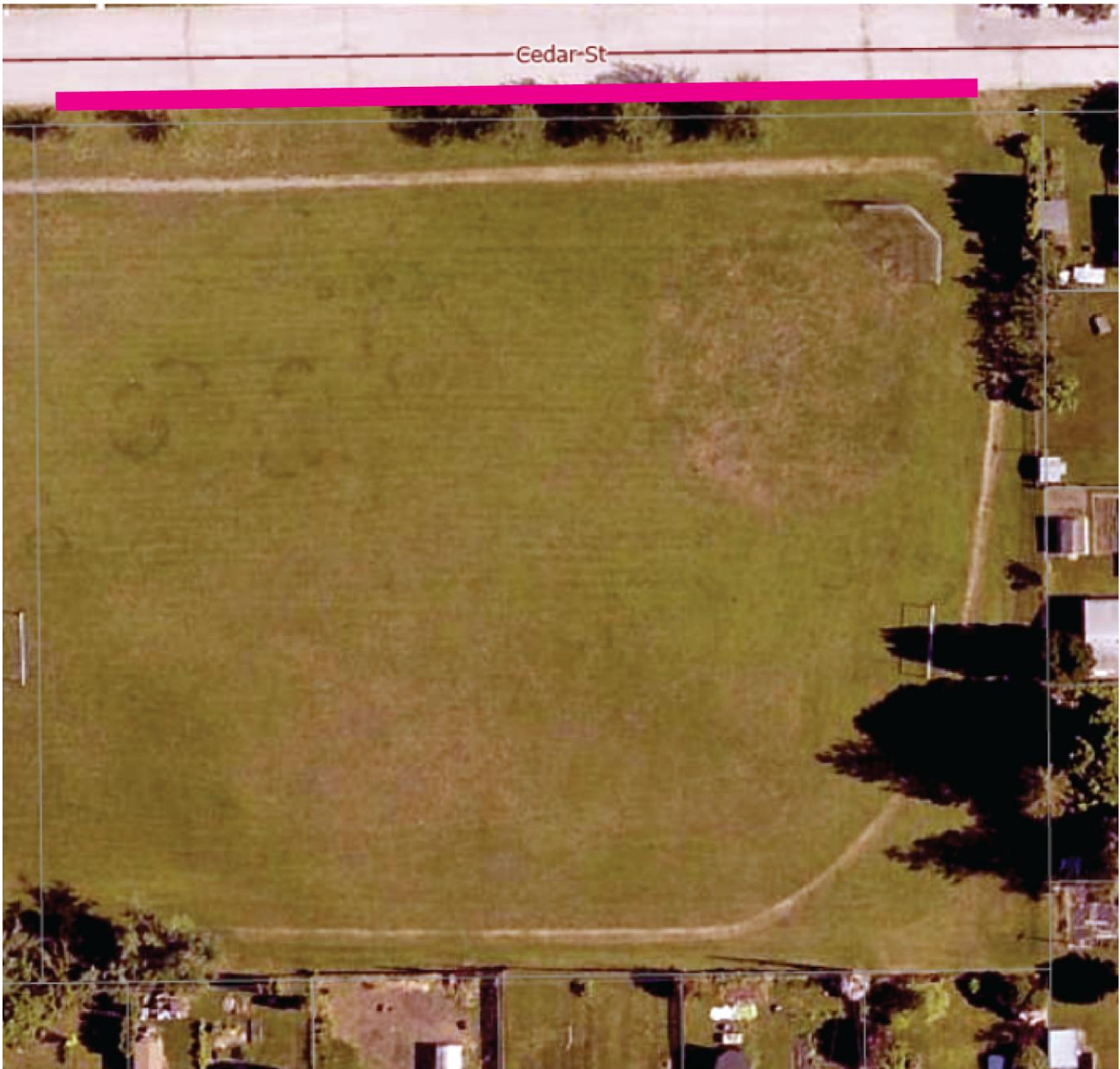


Figure 4: Commercial Vending Area Kinsmen Park (2415 Cedar Street)

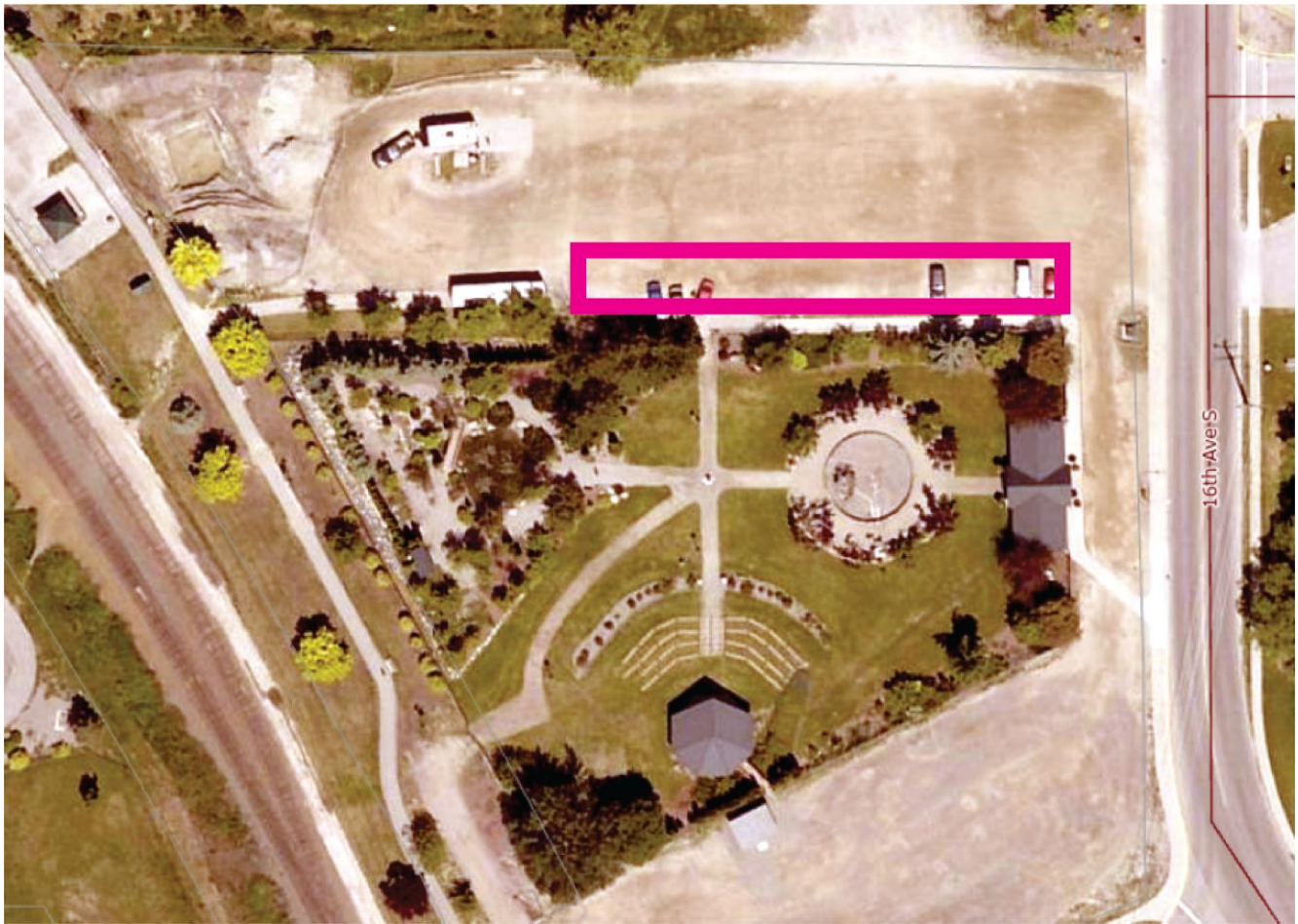


Figure 5: Commercial Vending Area Millennium Park (401 16<sup>th</sup> Avenue South)



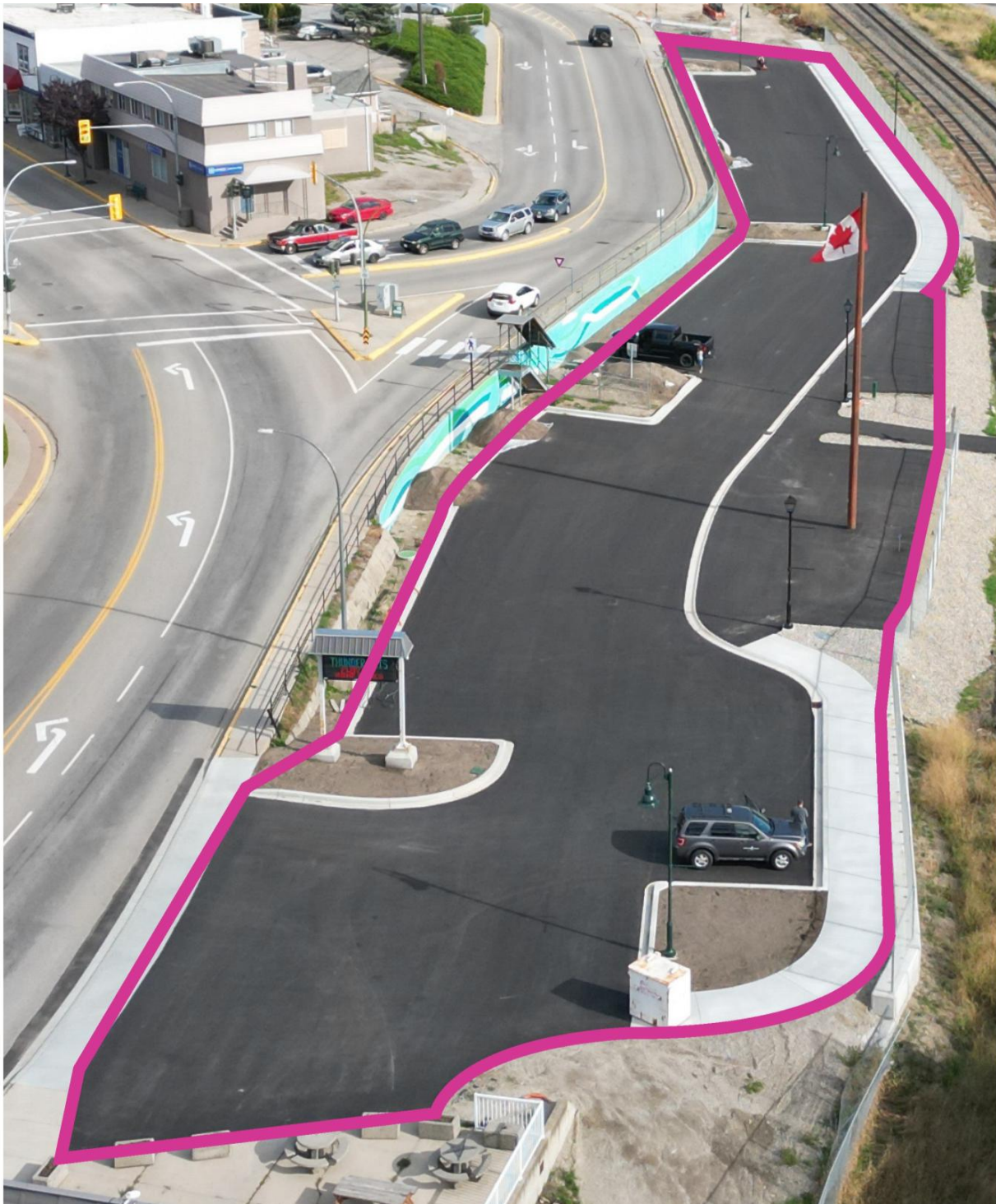


Figure 6: Commercial Vending Area ʔakuᑦni (115 Northwest Boulevard)





Figure 7: Commercial Vending Area Dwight and Rosamond Moore Community Wetlands  
(230 24<sup>th</sup> Avenue North)



**Appendix B – Mobile Stand Commercial Vendors**

**BL#2028**



Figure 1: Commercial Vending Area Canyon Street Walkthrough (1029 Canyon Street)





Figure 2: Commercial Vending Area Burns Park (2401 Elm Street)

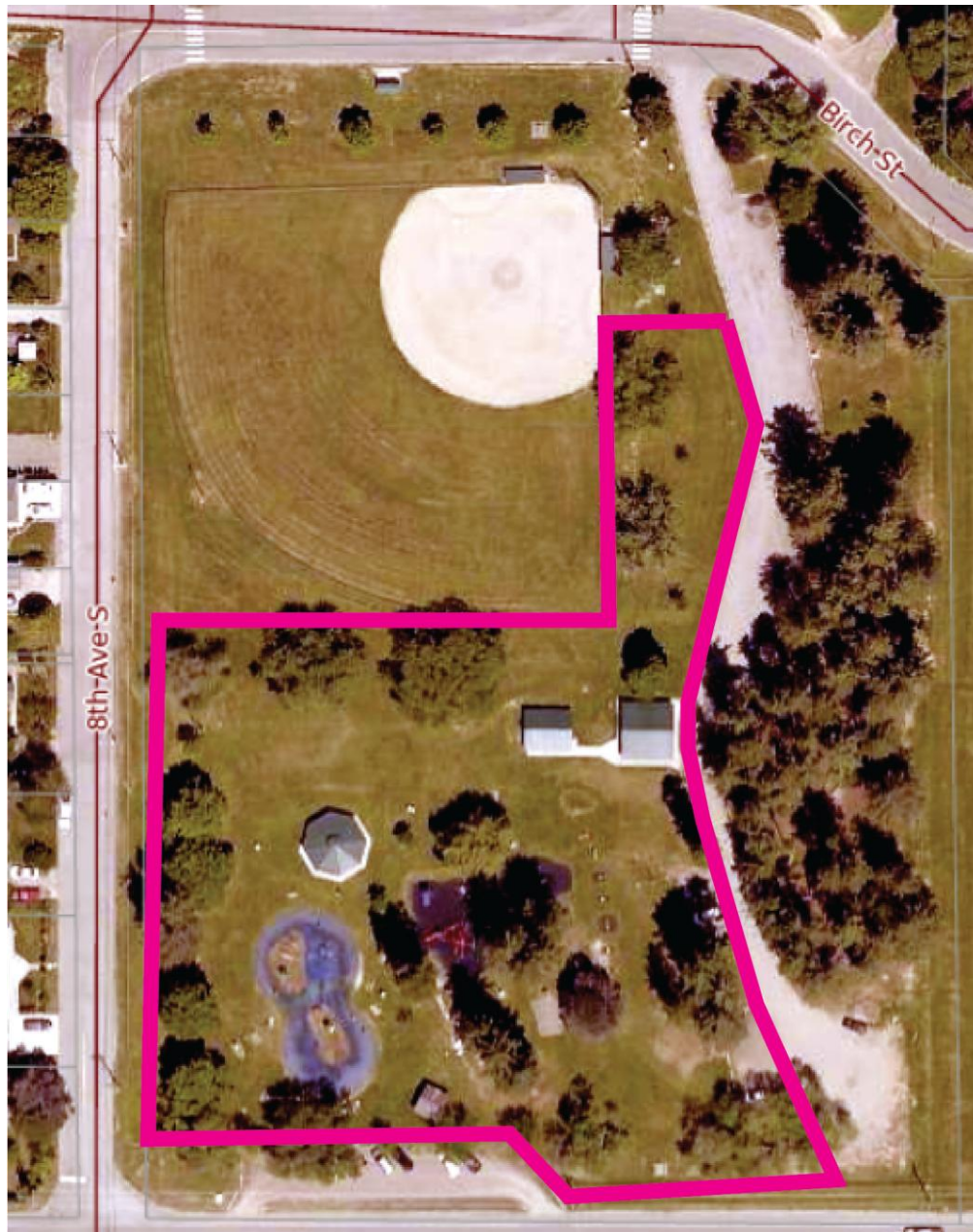


Figure 3: Commercial Vending Area Centennial Park (Birch Street)



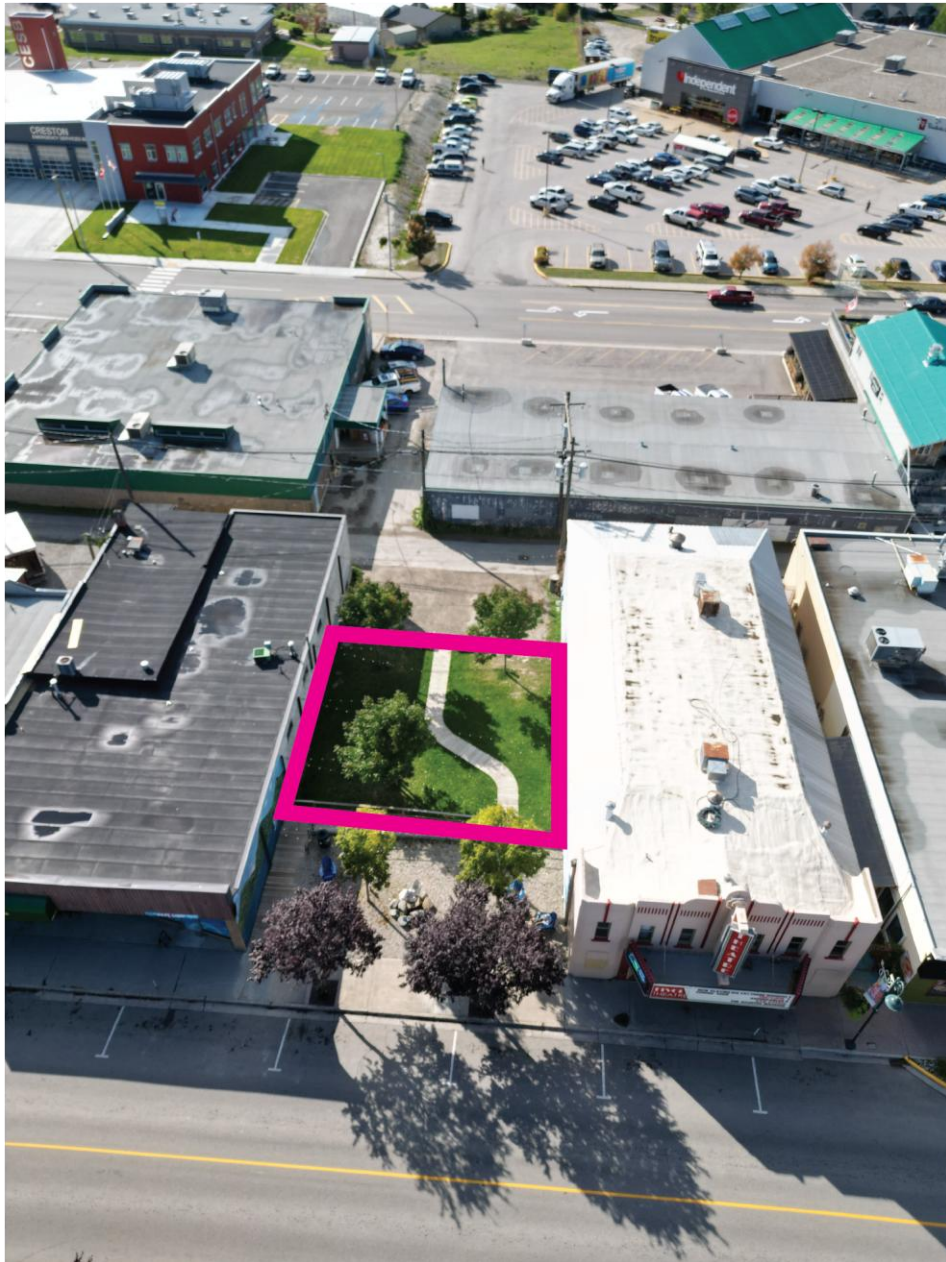


Figure 4: Commercial Vending Area Downtown Green Space (1411 Canyon Street)



Figure 5: Commercial Vending Area Kinsmen Park (2415 Cedar Street)



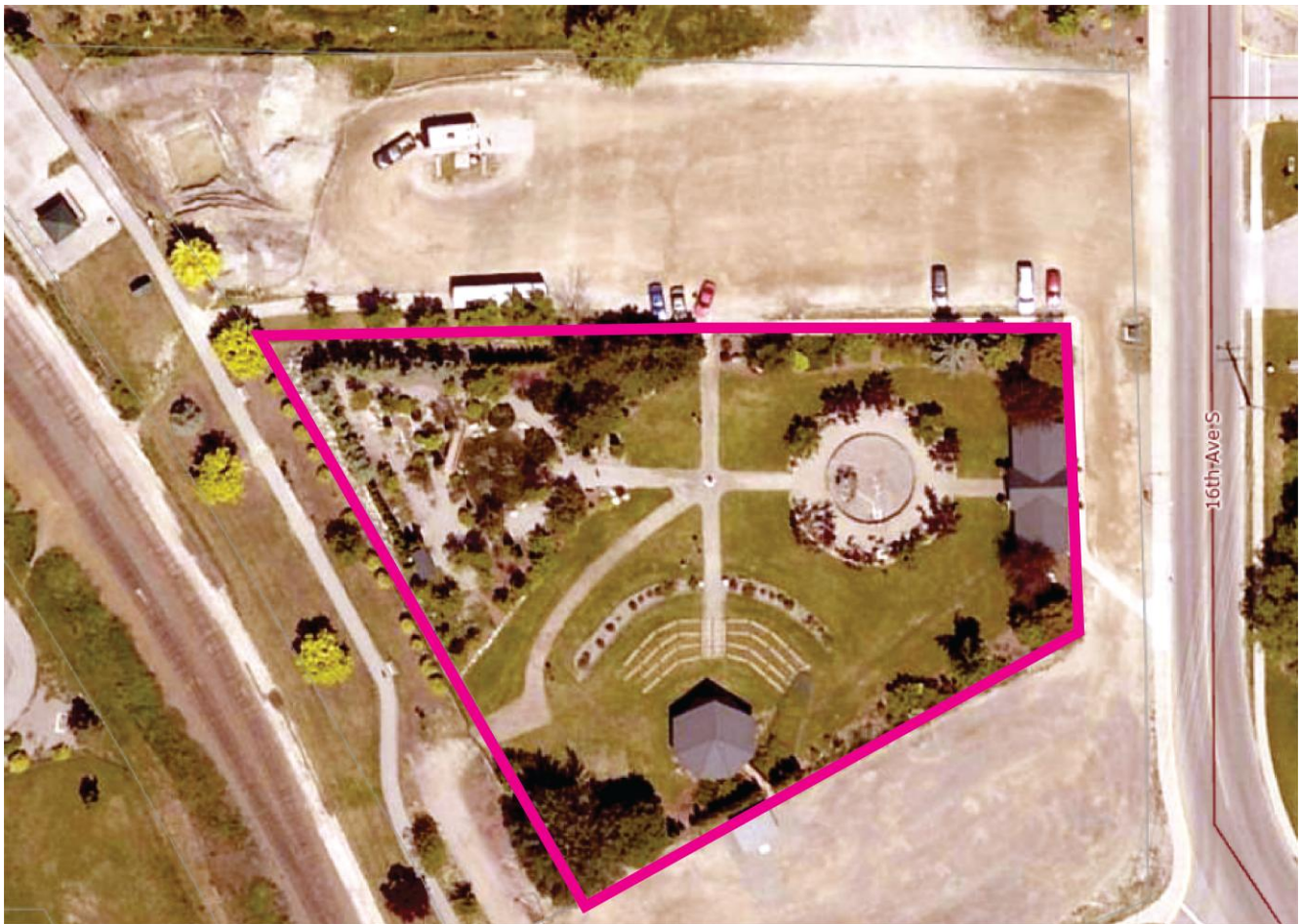


Figure 6: Commercial Vending Area Millennium Park (401 16<sup>th</sup> Avenue South)



Figure 7: Commercial Vending Area Spirit of Creston Square (12<sup>th</sup> Avenue North)



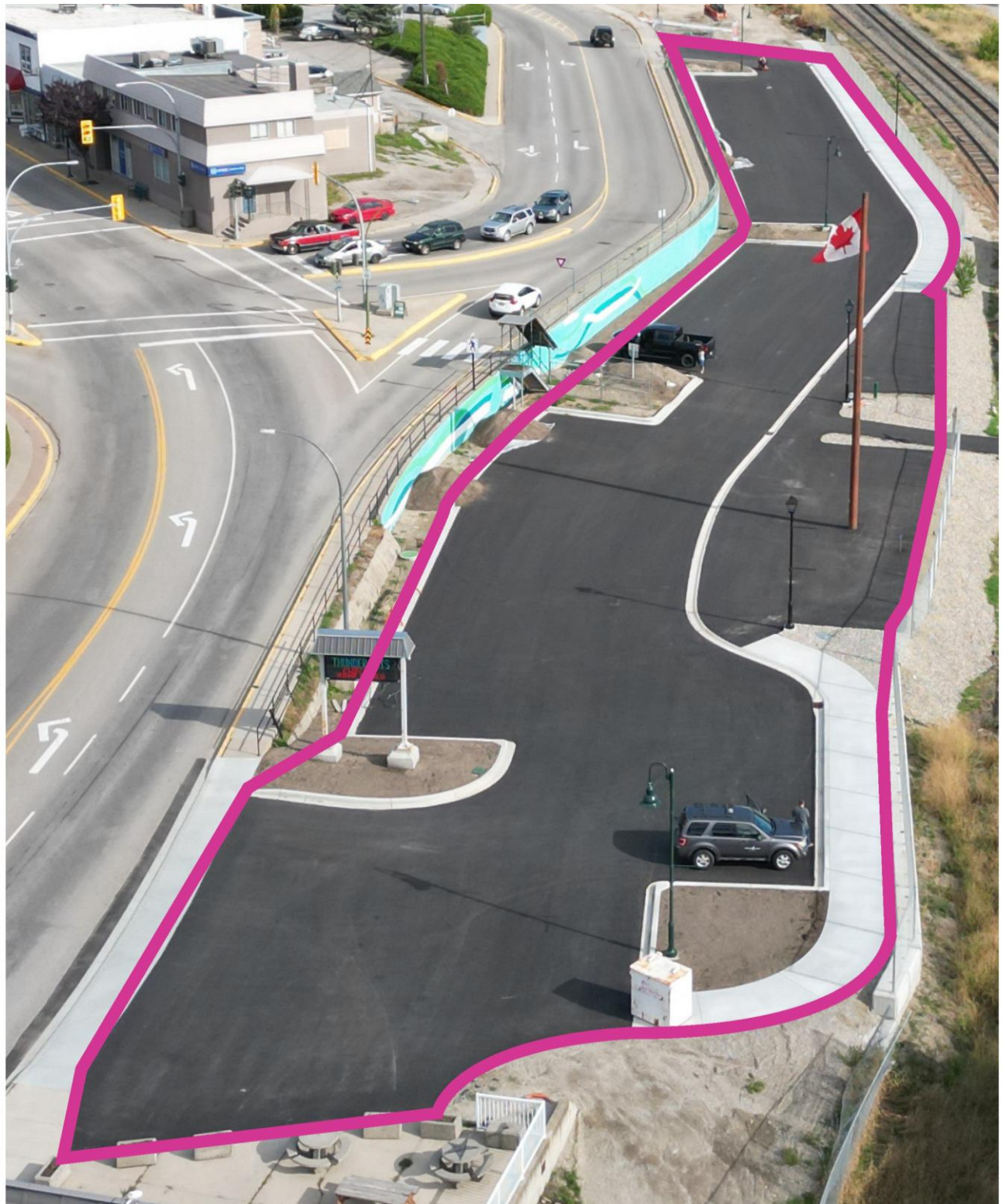


Figure 8: Commercial Vending Area ʔakuᑦni (115 Northwest Boulevard)





Figure 9: Commercial Vending Area Rotary Park (109 Northwest Boulevard)





Figure 10: Commercial Vending Area Dwight and Rosamond Moore Community Wetlands  
(230 24<sup>th</sup> Avenue North)

## INDEX OF AMENDING BYLAWS

Bylaw #1924.....	Adopted December 22, 2020
Bylaw #1946.....	Adopted December 21, 2021
Bylaw #1978.....	Adopted March 12, 2024
Bylaw #2028.....	Adopted December 2, 2025

### 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.