

The District of West Kelowna

Bylaw No. 0087

A bylaw for the licensing and regulation of businesses

**CONSOLIDATED FOR CONVENIENCE TO
INCLUDE BYLAW 0087.01, 0087.02, 0087.03, 0087.04, 0087.05, 0087.06, 0087.07,
0087.08, 0087.09, 0087.10**

WHEREAS, Council may, pursuant to s. 8(6) of the *Community Charter*, regulate in relation to business;

NOW THEREFORE, the Council of the District of West Kelowna in open meeting assembled, enacts as follows:

SECTION 1 – INTRODUCTION

1.1 TITLE

This bylaw may be cited for all purposes as “District of West Kelowna Business Licensing and Regulations Bylaw 2010 No. 0087”.

Bylaw No. 0087.06, adopted September 29, 2015, amended Bylaw No. 0087 by adding “*Carriage House*” to 1.2 DEFINITIONS.
Bylaw No. 0087.10, adopted April, 9, 2019, amended Bylaw No. 0087 by adding “*Retail Store, Licensed Cannabis*” to 1.2 DEFINITIONS.

1.2 DEFINITIONS

In this Bylaw:

“*Auctioneer*” means a person who conducts auctions for sale of goods by calling for bids and declaring goods sold;

“*Body rub*” includes the manipulating, touching or stimulating by any means, of a persons body, or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licenced or registered under any statute of the Province of British Columbia governing such activities;

“*Body-rub parlour*” includes any premises or part thereof where a body rub is performed, offered or solicited;

“*Body-painting studio*” includes any premises or part thereof where, directly, or indirectly a fee is paid for any activity including the application of paint, tattoo, or similar materials to the body of another person;

"Business" means carrying on a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government owned corporations;

"Business Day" means any calendar day, including any holidays, during which a secondhand dealer or pawnbroker is open for business to one or more members of the public;

"Carriage House" means a detached building containing a secondary dwelling, which may also contain one or more off street parking spaces for the single detached dwelling on the same parcel or for the carriage house.

"Council" means the Municipal Council of the District of West Kelowna;

"Director" means the Director of Building and Regulatory Services and other persons employed by the District of West Kelowna including the Bylaw Enforcement Officer, Building Inspector, and Licence Inspector, for the purpose of enforcing and carrying out the provisions of this bylaw;

"District" means the District of West Kelowna, or the area governed by it;

"Hosted" means, for a short term accommodation, where there is interaction between the operator, or their local contact, and guests during operation. The operator, or local contact, must be available to respond to any nuisance complaints at all times during operation of the short term accommodation.

"Inter-Community Business Licence" means a Business Licence issued by a participating municipality that is referenced in District of West Kelowna Inter-Community Business Licence Bylaw No. 0081;

"Junk" means used or old property including scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, waste or scrap metal, or other property commonly found in a junk shop;

"Junk dealer" means a secondhand dealer who carries on the business of dealing in junk, who operates a junk dealer's premises or who purchases or sells junk;

"Licence Inspector" means a person, or his designate, appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw and includes Building Inspectors and Bylaw Enforcement Officers;

"Local Contact" means, for a short term accommodation, a person designated as an alternate host for a short term accommodation by the operator. The local contact must be available to respond to any nuisance complaints if the operator is unavailable.

"Mobile Restaurants" means a vehicle registered to operate on a highway, which is used in carrying on a business as a mobile restaurant;

"Non-resident Business" means a business, other than a resident business, carried on in the District, or with respect to which any work or service is performed in the District;

“Pawn” means to deposit goods or chattels as security for the payment of money or other consideration;

“Pawnbroker” means a person who carries on a business of taking goods or chattels in pawn;

“Pawner” means a person, firm, or corporation who pawns property to a pawnbroker but does not include a seller as defined in this bylaw;

“Person” includes a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw;

“Picture Identification” means one or more of the following that includes a photograph of the bearer:

- a) valid driver’s Licence issued by a Canadian province or territory;
- b) valid provincial identity card;
- c) valid passport issued by a legitimate government;
- d) certificate of Indian status issued by the Government of Canada;
- e) valid certificate of Canadian Citizenship issued by the Government of Canada; or
- f) valid condition release card issued by Correctional Services Canada;

“Police Force” means the Local Detachment of the Royal Canadian Mounted Police;

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

“Property” means goods, chattels, wares, merchandise, articles, or things, including motor vehicles and trailers as defined by the Motor Vehicle Act, R.S.B.C. 1966, c.318;

“Purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive, but does not include pawning;

“Register” means the Secondhand Dealers and Pawnbrokers Register referred to in each of Section 9 and where this bylaw stipulates that a secondhand dealer or pawnbroker has an obligation in connection with a register, the reference is to that register which the secondhand dealer or pawnbroker is obliged, under Section 9, to establish and maintain;

Bylaw No. 0087.07, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Registered Society”:

“Registered Society” means a not-for-profit society that is in good standing and registered with the Registrar of Companies under the *Society Act*, Section 2(2);

“Resident Business” means a business carried on, on or from a premises or place located within the District;

“Retail Packaging” includes boxes, plastic wrapping or display casing in which individual goods are commonly displayed for sale by retailers and in respect of articles of clothing means the sales or inventory tag attached to the articles by the retailer with the bar code, store keeping unit or the retailer’s similar identifying characteristics;

“Retail Store” means a use that is a provincially licensed premises where recreational cannabis products, obtained from the BC Liquor and Cannabis Regulation Branch, are offered for sale at retail to the general public, in accordance with applicable provincial and federal regulations and enactments.

“Retailer” means any person who carries on the business of selling goods or commodities to the public;

“Sales Receipt” means the receipt or proof of purchase issued by the retailer to the purchaser at the time of the purchase of retail goods which includes the price, date of sale, name and location of the retailer and description of the goods;

Bylaw No. 0087.02, adopted February 12, 2013, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Secondary Suite”:

“Secondary Suite” means second dwelling unit which contains at least 3 rooms including a bedroom, kitchen and bathroom, but no more than 2 bedrooms, located within the structure of a single detached house that provides living accommodation based on rental periods of one month or greater;

“Secondhand Dealer” or “Dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- a) used clothing, furniture, costume jewellery, foot ware, knickknacks, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- b) used clothing, furniture, costume jewellery, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the *Income Tax Act* (Canada) or by donation; or
- c) used books, papers, magazines, vinyl records, or long playing records (LPs);

“Seller” means a person, firm or corporation who sells or otherwise disposes of property to a secondhand dealer but does not include a pawner as defined in this bylaw;

“Social Escort Service” includes any person carrying on the business of providing or furnishing male or female escorts for social occasions;

“Towing Service” means any person carrying on the business of operating a tow truck;

“Tow Truck” means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion;

“Trade show” means the carrying on of a business to organize a group of more than (5) five merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a period less than (14) fourteen days.

SECTION 2 – GENERAL REGULATIONS

2.1 No person shall carry on a business within the District without first:

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 2.1 a) in its entirety and replacing with the following 2.1 a):

- a) Paying the fee for a Business Licence as set out within the Fees and Charges Bylaw No. 0028;
 - b) obtaining a District Business Licence; or
 - c) being the holder of a valid inter-community Business Licence.
- 2.2 Any person carrying on more than one business shall obtain and pay for a separate Business Licence for each and every business.
- 2.3 Every person issued a licence to carry on a resident business shall keep the Licence posted in a conspicuous place on the business premises named in the licence.
- 2.4 A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.

Bylaw No. 0087.05, adopted April 14, 2015, amended Bylaw No. 0087 by deleting Section 2.5 in its entirety and replacing with the following Section 2.5:

- 2.5 A license Inspector may grant a business licence when satisfied that the applicant has complied with the requirements of the bylaws of the District and that the proposed business would not be carried out in contravention of the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*.
- 2.6 A Licence Inspector of the District may, enter at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.
- 2.7 A Licence Inspector may refuse or suspend a licence for reasonable cause, including where a Licencee:
- a) has failed to comply with a term or condition of the Licence;
 - b) the Licencee's premises ceases to comply with a bylaw regulating building, land use, health, fire, environmental or business issues; or
 - c) is convicted of an offence under an Act or bylaw in respect of the business for which the licence has been issued or with respect to the premises named in the Licence.
- 2.8 Where an applicant has been refused a licence, or a licence is suspended in accordance with this bylaw, the applicant may appeal the decision to Council. The licence inspector must notify the applicant or the Licencee affected by the decision of their right to have the matter reconsidered by Council. On appeal, Council may confirm or set aside the refusal or suspension on any terms it may think fit.
- 2.9 Any person proposing to obtain a transfer of Licence with respect to a change of premises shall make application to the licence inspector and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 2.10 in its entirety and replacing with the following 2.10:

2.10 Any person proposing to obtain a transfer of a Licence shall pay a Licence transfer fee as set out in the Fees and Charges Bylaw No. 0028.

2.11 Every holder of a licence shall notify the licence inspector of any change in the mailing and/or business address, the classification of the business, area of premises, or any alteration to the premises in which the business is carried out, and upon termination of the carrying on of business by the Licence Holder, he or she shall notify the licence inspector that the licence is no longer required and shall surrender the licence to the licence inspector.

2.12 No person shall offer for sale any goods or merchandise on a highway within the boundaries of the District except as provided elsewhere in this bylaw.

Bylaw No. 0087.02, adopted February 12, 2013, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.13:

Bylaw No. 0087.06, adopted September 29, 2015, deleted Section 2.13 in its entirety and replaced it with the following:

2.13 All homeowners with a secondary suite or a carriage house must obtain and hold a valid and current business licence.

Bylaw No. 0087.07, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.14:

2.14 Every registered society, having registered under Section 2(2) of the *Society Act*, must obtain and hold a valid business licence.

Bylaw No. 0087.08, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.15:

2.15 A License Inspector may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a license, including conditions related to:

- (a) Safety and security on and about the licensed premises;
- (b) The protection of minors, including but not limited to conditions regarding signage and patron identification;
- (c) Public health and safety in relation to the licensed premises;
- (d) Prevention of nuisances, including but not limited to conditions intended to reduce noise, odours (including air filtration and ventilation requirements), and patron misconduct on and about the premises; and
- (e) Requirements that, in the opinion of the License Inspector, are necessary to ensure that the licensed business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity of the premises.

Bylaw No. 0087.10, adopted April 9, 2019, amended Bylaw No. 0087 by adding part (f) to Section 2.15:

(f) Proof of a current, provincially issued license for a Cannabis Retail store.

SECTION 3 - LICENCE FEES AND LICENCE PERIOD

3.1 Except as hereinafter provided, licences shall be granted for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each year.

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 3.2, 3.3, and 3.4 in their entirety and replacing with the following sections 3.2, 3.3, and 3.4:

3.2 The annual licence fee prescribed in this bylaw shall be reduced by 25%, 50% or 75% in respect of a business that becomes liable to be licenced after the first day of each quarter (April, July and October) in any year.

3.3 If a Licencee continues to carry on business within the District and does not renew and pay for its licence prior to January 31st of each year, a late payment fee will be applied as provided for the Fees and Charges Bylaw No. 0028.

3.4 A quarterly pro-rated refund shall be available, upon request of the business owner, on any annual licence fee should the Licencee cease to do business during the calendar year. A licence fee shall be refunded in full if the application is withdrawn prior to issuance of the business licence or if issuance of a business licence is refused.

3.5 It is incumbent upon a Licence holder to renew such Licence prior to the beginning of each licence year.

SECTION 4 – AUCTIONEERS

4.1 Every Auctioneer shall, whenever goods are put into his hands for sale, give a receipt containing an itemized statement of all such goods.

4.2 Every Auctioneer shall keep proper books of accounts of the business transacted by him as an Auctioneer, whether in public auction or elsewhere. The books shall record:

- a) the names and addresses of persons entrusting goods to him for resale;
- b) an itemized list of all such goods; and
- c) the names and addresses of the persons purchasing any goods from him.

4.3 Every Auctioneer shall permit any police officer or a Licence Inspector to inspect the books referred to in the preceding sections, at all times during business hours, and to take extracts therefrom.

SECTION 5 – BODY RUB, BODY-RUB PARLORS AND BODY PAINTING STUDIOS

5.1 Every person or individual carrying on the business of or operating a Body-Rub parlour or Body-Painting studio or individual operating the business of performing Body-Rub shall:

- a) supply the Licence Inspector and the Officer In Charge of the Royal Canadian Mounted Police with the name, age, address and description of every individual employed or engaged in the said business;
- b) notify the Licence Inspector within seventy-two hours of any change in personnel employed or engaged in the said business;
- c) not employ any person on the licenced premises unless such person is 19 years of age or older;
- d) not permit any person to be on the licenced premises at any time unless such person is 19 years of age or older.

SECTION 6 - CIRCUSES AND CARNIVALS

6.1 No licence shall be issued to any person for the purpose of holding an exhibition, circus or carnival, using ferris wheels, merry go rounds, or other similar rides until such person has filed with the Licence Inspector, evidence of his holding a Comprehensive Liability Policy of insurance for Five Million Dollars (\$5,000,000.00) inclusive limits covering bodily injury, death, and property damage including loss of use thereof. The insurance shall name the District as an additional insured. All rides must be certified under the *Provincial Safety Standards Act*.

SECTION 7 – SOCIAL ESCORT SERVICES

7.1 Every person carrying on the business of or operating a Social Escort Service shall:

- a) supply the Licence Inspector and the Officer in Charge of the Royal Canadian Mounted Police with the name, age, address, and description of every individual employed or engaged in the said business;
- b) notify the Licence Inspector, within seventy-two hours, of any change in personnel employed or engaged in the said business;
- c) obtain the approval of the Licence Inspector prior to the employment or engagement of any individual in the said business;
- d) not employ any person in the said business unless such person is 19 years of age or older.

SECTION 8 - MOBILE RESTAURANTS

8.1 All mobile restaurants shall be in good mechanical condition and meet all the food handling requirements of the provincial government and shall be in possession of valid permits issued by the provincial government authority having jurisdiction.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting the words 'fifteen (15)' and replacing them with 'thirty (30)' as contained in item 8.2 within Section 8 – Mobile Restaurants.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting the words 'private property' and replacing them with "public lands' as contained in item 8.2 within Section 8 – Mobile Restaurants.

Bylaw 0087.04, adopted February 25, 2014, amended bylaw 0087 by deleting Section 8.2 in its entirety and substituting the following Section 8.2:

- 8.2 No vehicle used as a mobile restaurant shall park or stop more than is necessary to serve customers, and at no time shall the mobile restaurant remain stopped or parked for longer than thirty (30) minutes at one specific location. When stopped for the serving of customers, the vehicle shall be parked on public lands.
- 8.3 A Licence Inspector shall not issue any licence for a mobile restaurant until the applicant has provided evidence that all vehicles intended for use as mobile restaurants by the applicant are insured under a comprehensive liability policy or insurance for Two Million Dollars (\$2,000,000.00) with the District named as additional insured. Coverage under the policy cannot be cancelled, or any provisions changed or deleted unless thirty (30) days prior written notice has been given to the District by the insurer.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting Item 8.4 in its entirety as contained in Section 8 – Mobile Restaurants and replacing it with the following:

- 8.4 Mobile vendors may amplify music while the unit is in motion only.
- 8.5 No goods other than food and beverages shall be sold from a mobile restaurant.

SECTION 9 – SECONDHAND STORES AND PAWNSHOPS

- 9.1 Each secondhand dealer and pawnbroker must establish and maintain a record, to be called the “Secondhand Dealers and Pawnbrokers Register”, of all property, other than recyclable beverage containers, purchased by the dealer or taken in pawn by the pawnbroker.
- 9.2 Each secondhand dealer and pawnbroker, immediately after the purchase or taking in pawn of any property, must set out in the register in the English language, a record of the purchase or pawn in chronological order by date or purchase. The record must include:
- a) the name, residence or street address, of the seller from whom the secondhand dealer or any employee of the dealer, purchased the property, or of the pawner from whom the pawnbroker or any employee of the pawnbroker, took the property in pawn;
 - b) confirmation of the identity of the seller or pawner by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
 - c) a complete description of the property including the make, model and serial number;
 - d) the type of purchase as described in the definition of “purchase”, or the type of acquisition, being a pawn;
 - e) the price paid for the property or the amount paid for the property in pawn;
 - f) the precise date and hour of purchasing the property or taking the property in pawn;
 - g) identifiable or distinguishing marks on the property; and
 - h) where the pawnbroker or secondhand dealer has taken in pawn or purchased a new item or an item in its retail packaging, an indication that the item was new or in its retail packaging.

9.3 Each secondhand dealer or pawnbroker must:

- a) maintain the register electronically in a form approved by the Officer in Charge;
- b) record all information in the register electronically;
- c) transmit to the Officer in Charge electronically, to a specified database via the Internet and using a site licence and password provided by the Officer in Charge, information pertaining to the identification of property purchased by the dealer or taken in pawn by the pawnbroker, immediately after the purchase or the pawn occurs;
- d) when requested by a Licence Inspector, print out a hard copy of all electronic and manual information recorded during the course of the day;

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by removing the words "Schedule B" in section 9.3 e) and replacing with the words "Schedule A":

- e) whenever the secondhand dealer or pawnbroker is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register, in the form of Schedule A, attached to this Bylaw, until electronic recording is again available so that no gap in the secondhand dealer or pawnbroker record keeping or reporting will exist.
- f) if the dealer or pawnbroker is unable, for any reason, to record or transmit the entries electronically, once electronic recording and transmitting are again available, immediately transmit to the Officer in Charge, electronic entries for all purchases or pawns made by the dealer or pawnbroker and not previously recorded or transmitted.

9.4 A secondhand dealer or pawnbroker must not amend, obliterate or erase any entry in the register, either wholly or partially or electronically or manually.

9.5 Each secondhand dealer or pawnbroker, during business hours on business days, must make the register available for inspection by the Officer in Charge, any police force member, any person designated by the Officer in Charge, the Director, or any person authorized to inspect on the Director's behalf.

9.6 Each secondhand dealer or pawnbroker must:

- a) keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
- b) keep within the Province of British Columbia, the register for seven years after the date of the last entry; and
- c) if the secondhand dealer or pawnbroker sells, leases, or otherwise disposes of the dealer's or pawnbroker's business to any person, transfer possession of the whole register to such person.

9.7 A pawnbroker must not carry on the business of buying or selling or the taking in pawn of any property except at the premises designated in the pawnbroker's Licence.

9.8 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day.

- 9.9 A secondhand dealer or pawnbroker must not purchase or take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 9.10 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person under the age of 19 years.
- 9.11 Each secondhand dealer or pawnbroker, on demand by the Officer in Charge or any police force member during business days, must permit the Officer in Charge, any police force member, or any person designated by the Officer in Charge or by a police force member to inspect:
- a) any property in the secondhand dealer's or pawnbroker's premises;
 - b) the secondhand dealer's or pawnbroker's premises.
- 9.12 Each secondhand dealer or pawnbroker must paint and maintain the secondhand dealer's or pawnbroker's name and address plainly and visibly in English lettering on the front of the secondhand dealer's or pawnbroker's premises and on both sides of any vehicle or vessel used in carrying on the dealer's or pawnbroker's business.
- 9.13 Each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must clearly and individually tag by date of purchase or pawn of the item of property and must maintain the tag on the property until disposed of.
- 9.14 During the applicable period of time set out in sub section 9.15, each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must:
- a) clearly and individually tag by date of purchase or pawn, and clearly and physically separate from other property in the secondhand dealer's or pawnbroker's premises, the item of property;
 - b) not repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property; and
 - c) not suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property.
- 9.15 Each secondhand dealer or pawnbroker must comply with the requirements of sub section 9.14, with respect to each item of property the dealer or pawnbroker purchases or takes in pawn, for the longer of:
- a) 30 calendar days after the date a secondhand dealer or pawnbroker who maintains an electronic register purchases or takes in pawn the item of the property;
 - b) the number of days of which the Officer in Charge or any police force member advises the secondhand dealer or pawnbroker, which must not exceed 90 days after the date the secondhand dealer or pawnbroker purchases or takes in pawn the property.

- 9.16 If a junk dealer, before expiry of the applicable time period under subsection 9.15 wishes to sell or dispose of any property, the junk dealer may deliver a written request to the Officer in Charge who may waive in writing the dealer's obligation to comply with the applicable time period on such conditions as the Officer in Charge considers advisable.
- 9.17 A secondhand dealer who is also a pawnbroker must clearly and physically separate all property purchased as a secondhand dealer from property taken in pawn and must clearly and individually tag each item of property to indicate date of purchase and whether the dealer purchased such item or took it in pawn.
- 9.18 Every person or individual carrying on the business of a pawnbroker or secondhand dealer shall supply the Director and the Officer in Charge with the full name, date of birth, current address, and description of every individual proposed to be employed prior to their employment, and every individual engaged in the management, or control of the said business.
- 9.19 Every holder of a business Licence for a pawnbroker or secondhand dealer shall notify the Director and Officer in Charge of any changes in the persons engaged in or employed in the said business during the business Licence period by supplying the information listed in subsection 9.18 of this bylaw with respect to those persons.
- 9.20 Each secondhand dealer or pawnbroker must not purchase or take in pawn, hold or sell, any item of property in or with retail packaging unless the seller or pawnner provides the dealer or pawnbroker with a sales receipt and the dealer or pawnbroker must retain the sales receipt for a period of one year beyond the date that the property is disposed of.
- 9.21 A person commits an offence by recording or supplying false or misleading information:
- a) in the Register; or
 - b) in any transmission to the specified database under subsection 9.3 c).

SECTION 10 – TOWING SERVICE

- 10.1 No driver of any tow truck who has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
- 10.2 No driver of a tow truck shall offer his or her services at the scene of a motor vehicle accident whether his presence there is by coincidence or otherwise, unless he has been requested to do so by the owner or driver of the motor vehicle involved in that accident, or by an attending Peace Officer including Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police.
- 10.3 Each driver of a tow truck shall keep a daily record of all trips made by him, and such records shall contain the reason for the tow, the date, time, origin and destination of each towing contract, the name and address of the owner of the vehicle being towed, the towing fee charged, and the towed vehicle's licence number, vehicle identification number, make, body type and colour; and shall produce this record to the Officer in Charge of the Royal Canadian Mounted Police or Licence Inspector upon demand.

- 10.4 No driver of a tow truck shall offer his services at any roadside motor vehicle checks conducted by the Royal Canadian Mounted Police whether his presence there is by coincidence or otherwise, unless he has been requested to do so by the owner of the motor vehicle involved in the check, or by an attending Peace Officer including Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police.

SECTION 11 – PASSENGER TRANSPORTATION VEHICLES

- 11.1 No person shall operate, or permit to be operated, in the District of West Kelowna, a commercial passenger vehicle unless such commercial passenger vehicle is duly licenced under the provisions of *the British Columbia Passenger Transportation Act* (Act) and Passenger Transportation Regulation (Regulation).
- 11.2 It is unlawful for any persons to operate a commercial passenger vehicle in the District of West Kelowna without being in possession of a valid and subsisting business licence issued pursuant to the District of West Kelowna Business Licence Bylaw.

SECTION 12 – SHORT TERM ACCOMMODATIONS

12.1 A person must not carry on business as an operator of a short term accommodation unless the person holds a valid licence issued under the provisions of this Bylaw.

12.2 Without limiting Section 12.1, a person applying for the issuance of a licence to operate a short term accommodation must, in addition to meeting the requirements of Zoning Bylaw No. 0154:

- a) Make an application to the Licence Inspector on the form provided for short term accommodation business licence applications;
- b) Provide, in the form satisfactory to the Licence Inspector, evidence that
 - i. The operator owns the dwelling where the short term accommodation is offered, or
 - ii. The owner of the property has consented to the use of the property as a short term accommodation;
- c) Provide, when the property where the short term accommodation is offered is located within a Strata, a letter from the strata council confirming that the use of the dwelling for short term accommodations does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- d) Provide in the form satisfactory to the Licence Inspector, evidence that the premises where the short term accommodation is offered is occupied by the operator as their principal residence which must include, at minimum, two of the following documents in the operators name:
 - i. Provincial Homeowners Grant;

- ii. Driver's Licence;
 - iii. Vehicle Registration;
 - iv. Utility Bills;
 - v. Tax Forms;
 - vi. Insurance Forms;
 - vii. Government Records; or
 - viii. Other documents satisfactory to the Licence Inspector.
- e) Provide the name and contact information for a local contact who is designated by the operator as an alternate host for the short term accommodation;
- f) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit;
- g) Provide a floor plan of the dwelling in which the short term accommodation is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds (Fire Safety Plan);
- h) Provide a parking plan which complies with the parking requirements of Zoning Bylaw No. 0154;
- i) Submit in the form satisfactory to the Licence Inspector a Good Neighbour Agreement; and
- j) Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

12.3 The operator of a short term accommodation must ensure that any marketing or listing for the short term accommodation includes the licence number of a valid licence issued for that dwelling under this Bylaw.

12.4 An operator of a short term accommodation may be absent overnight occasionally from their principal residence at a time when the short term accommodations is rented, provided that:

- a) the operator is absent no more than 14 days in any one month to a maximum of no more than 30 days within a calendar year;
- b) the local contact is available to interact with guests during operation and respond to any nuisance complaints; and
- c) the name and contact information of the local contact is prominently displayed in the dwelling.

12.5 The operator or local contact of a short term accommodation must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

12.6 An operator of a short term accommodation must:

- a) Operate a short term accommodation only within a licenced dwelling;
- b) Only operate a hosted short term accommodation;
- c) Display the licence inside the entry way to the dwelling;
- d) Display in each approved bedroom, and in the entryway of the short term accommodation, a fire safety plan; and
- e) Ensure that no more than one booking is permitted for the short term accommodation within the dwelling at one time.

12.7 An operator of a short term accommodation must not:

- a) Rent out any bedrooms or provide any sleeping accommodation within any vehicle, recreational vehicle, tent or accessory building; or
- b) Allow to be used as bedrooms, any rooms that are not approved and identified on the licence application for that dwelling as bedrooms.

12.8 Notwithstanding Section 3.2 of this bylaw, the annual licence fee for a short term accommodation shall not be reduced based on the date of application.

12.9 Notwithstanding Section 3.4 of this bylaw, no quarterly refund shall be available for short term accommodation licences should the operation cease during the calendar year.

SECTION 13 – OFFENCES AND PENALTIES

13.1 Any person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of the bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2000.00).

Bylaw 0087.09, adopted October 10, 2017, amended bylaw 0087 by adding item 12.2 to Section 12 – Offences and Penalties:

13.2 Any person who breaches, or who causes or allows to be violated or breached, any of the provisions of this Bylaw shall be guilty of an offence against this Bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.

SECTION 14 - SEVERABILITY

14.1 If any section, subsection, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause or phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

PASSED FIRST READING, NOVEMBER 23, 2010

PASSED SECOND READING, NOVEMBER 23, 2010
PASSED THIRD READING, NOVEMBER 23, 2010
ADOPTED, JANUARY 11, 2011

Mayor

City Clerk

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting Schedule A (reference to Fees) in its entirety and re-naming Schedule B (Second Hand and Pawnbroker Dealer's Report) as Schedule A.

SCHEDULE A

