



City of Vernon

BUSINESS

LICENCE

BYLAW

#5480

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5480

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5513	September 8, 2014	<ul style="list-style-type: none">• Amend Section 5.9 to require a licence for the rental of primary dwelling units associated with secondary suites
5686	June 25, 2018	<ul style="list-style-type: none">• Add NEW definition for CANNABIS RETAIL to PART TWO – DEFINITIONS• Add NEW category for CANNABIS RETAIL to PART SEVEN – BUSINESS LICENCE USE TYPES

CITY OF VERNON
BUSINESS LICENCE BYLAW NO. 5480

TABLE OF CONTENTS

PART ONE – INTERPRETATION 1

PART TWO – DEFINITIONS2

PART THREE – APPLICATION PROCESS7

PART FOUR – LICENCE FEES7

PART FIVE – SPECIFIC LICENCE REQUIREMENTS 10

PART SIX – GENERAL EXEMPTIONS12

PART SEVEN – BUSINESS LICENCE TYPES12

PART EIGHT - SUSPENSION OF LICENCES13

PART NINE – BYLAW VIOLATIONS & PENALTIES14

PART TEN - APPEAL PROCEDURES.....15

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5480

A Bylaw to provide for the Licencing of Businesses
in the City of Vernon

WHEREAS in accordance with the *Community Charter*, a municipality may, by bylaw, regulate in relation to business;

AND WHEREAS in accordance with the *Community Charter*, a municipality may provide for a system of licences;

AND WHEREAS in accordance with the *Community Charter*, a municipality has additional powers in respect of business regulation.

The Council of the City of Vernon, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "**City of Vernon Business Licence Bylaw Number 5480, 2014**".
2. "**City of Vernon Business Licence Bylaw Number 3272**", and all amendments thereto, are **repealed**.

PART ONE - INTERPRETATION

- 1.1 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the City of Vernon, as amended, revised, consolidated, or replaced from time to time.
- 1.2 Unless otherwise defined in this Bylaw, all words and phrases in this Bylaw shall have the meaning given to them in the British Columbia ***Local Government Act, Interpretation Act*** or the ***Community Charter***. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in **Part Two** of this Bylaw are used in the body or schedules of this Bylaw, they have the meaning ascribed to them as set out in **Part Two**.
- 1.3 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw. Any reference in this Bylaw to a part, section or clause, unless otherwise specified, is a reference to a part, section or clause in this Bylaw.
- 1.5 Whenever the masculine is used throughout this Bylaw, it shall also mean the feminine; and whenever the singular is used throughout this Bylaw, it shall also mean the plural.
- 1.6 Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 1.7 This Bylaw does not create any duty of care whatsoever on the **City**, its elected and appointed officials, employees or agents in respect of the issuance of a business licence and/or inspections made by any **City** department or failure to make an inspection and/or enforcement of this Bylaw.
- 1.8 Metric units are used for all measurements in this Bylaw.
- 1.9 All schedules attached to this Bylaw shall form part of this Bylaw.

PART TWO - DEFINITIONS

In this Bylaw, unless the context requires otherwise:

AGENT means any person, who by mutual consent, sells, solicits, offers for sale, or takes orders for, or attempts to sell, goods, services, investments or any other thing, at a place other than his permanent place of business, whether personally or for the benefit of another, including but not limited to a sales representative or a person in care and control of the **premise** where a business is being conducted.

AMENDMENT FEE means a fee that is to be remitted by the applicant to the **Licencing Department** upon submitting a revised application for a **licence** that is amended or changed in any manner including but not limited to transfers of location and changes in business ownership.

APPLICANT means any person who applies for a **licence** or renewal of a **licence**; under the provisions of this Bylaw, who is the owner of such business, or who is an **agent** acting on behalf of that owner.

APPLICATION FEE means a non-refundable fee that is to be remitted by the **applicant** to the **Licencing Department** upon submitting a written request in the form of an **application** for a business licence. The **application fee** is separate from the business **licence fee**.

BED & BREAKFAST ESTABLISHMENT means any residential building where temporary accommodation for tourists is provided as per the provisions of the current *City of Vernon Zoning Bylaw* and where the room rate includes breakfast provided on the **premises**.

BYLAW OFFICER means the officers or employees appointed by **City Council** as such.

CANNABIS RETAIL means the sale of non-medical cannabis in forms that comply with federal requirements. (*Bylaw 5686*)

CARRY ON, CARRYING ON, CARRIED ON and CARRIES ON means to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or **agent**.

CHARITABLE SOCIETY means a society or organization which is registered as a charitable society or organization under the *Income Tax Act (Canada)* and is qualified to issue tax receipts to its donors.

CASINO means premises used for the purpose of playing games of chance or mixed chance and skill, including those played on a slot machine, computer, video terminal or other electronic device, on which money may be wagered and for which authority has been given under the *Gaming Control Act*, but does not include bingo halls.

CITY means the City of Vernon, a municipal corporation in the Province of British Columbia, and includes the area contained within the boundaries of the City of Vernon where the context requires.

CIRCUS AND CARNIVAL means a secondary use providing a variety of shows, games and amusement rides including ferris wheels, merry go rounds, or other similar rides in which the patrons take part, for a period of less than fourteen (14) days and may include, but is not limited to a circus, fair or exhibition.

CONTRACTOR means any person, **resident or non resident**, who performs any type of construction or building work or service for a fee or provides materials, except where a **licence fee** for a different type of business is imposed elsewhere in this Bylaw.

DWELLING UNIT means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

FARMERS' MARKET means a temporary or seasonal market for the display and sale of farm produce and products in an open air or indoor venue. These markets must be

BYLAW 5480

PAGE 4

British Columbia **non profit** organizations, whether incorporated or not, with at least 6 vendors, that operate for two (2) or more hours per day for a minimum of four (4) markets per year.

FEES & CHARGES BYLAW means the current *City of Vernon Fees & Charges Bylaw*.

FLOOR AREA means the total floor area occupied by a business within exterior and demising walls or party walls including interior partitions and other improvements.

FOIPOP means the *Freedom of Information and Protection of Privacy Act*, and information provided on a business **licence** may be subject to *Freedom of Information and Protection of Privacy Act* inquiries.

HOME BASED OCCUPATION means a business being carried on within a **dwelling** or accessory building located in a residential area where the place of residence is the primary use and the business is the secondary use as defined in the current *City of Vernon Zoning Bylaw*.

HORSE DRAWN CARRIAGE means a carriage, wagon, dray or other conveyance or vehicle with a driver and drawn by horses, used primarily for sightseeing or charter purposes, and includes horse drawn vehicles used for **special events** pursuant to the current *City of Vernon Horse Drawn Carriage Bylaw*.

LICENCE, LICENCED, and LICENCES means a **licence** or reference to a **licence** issued under this Bylaw.

LICENCE FEE means those fees attached to **licence** types which are prescribed in the current **Fees & Charges Bylaw**.

LICENCEE means a person holding a valid and subsisting **licence**.

LICENCING DEPARTMENT means the department of the **City** that issues **business licences** under this Bylaw.

LICENCE INSPECTOR means the Manager of Building and Inspections for the **City**, **Bylaw Officer**, **Business Licence** Counter Clerk or a designate.

LIQUOR LICENCE means a liquor licence issued in accordance with the regulations of the *Liquor Control and Licensing Act*.

LIQUOR PRIMARY means a business type where the primary business involves the sale of liquor as opposed to food and the business holds a liquor licence pursuant to the regulations of the *Liquor Control and Licensing Act*.

FOOD PRIMARY means a business type where the primary business involves the sale of food as opposed to liquor and the business holds a liquor licence pursuant to the regulations of the *Liquor Control and Licensing Act*.

MEDICAL HEALTH OFFICER means a person designated under the *Public Health Act* as a Medical Health Officer.

MOBILE VENDOR means any person who offers for sale and immediate delivery any food, goods, or merchandise from a motor vehicle, temporary structure or display, or stand that is not permanently affixed to real property.

MULTIPLE BUSINESS means a person who carries on two or more businesses from one premises, and excludes Farmers Markets and Special Events. Application and/or amendment fees pursuant to the City's current ***Fees & Charges Bylaw*** can apply as determined by the **Licensing Department**. These fees are applicable to both home based occupations and resident businesses.

NON PROFIT means a society or organization which is not registered as a **charitable society** or organization under the *Income Tax Act (Canada)* and is not qualified to issue tax receipts to its donors.

PAWNBROKER means a **business** where goods or chattels are taken in pawn as defined in the current *City of Vernon Second Hand Dealers and Pawnbrokers Bylaw*.

PEDICAB means a cycle propelled by the foot power of the operator equipped with a carriage capable of carrying no more than two (2) passengers in addition to the operator and without limitation, includes a cycle that is propelled by the foot power of the operator and has motor assist capability.

PREMISE(S) means an area of land, including a lot or parcel of land with or without buildings and/or structures including but not limited to a store, office, **dwelling unit**, warehouse, factory, building, enclosure or other place occupied or capable of being occupied, by any person for the purpose of **carrying on any business**.

NON RESIDENT means a business, other than a resident business, carried on in the **City** or with respect to which any work or service is performed in the **City**, but which does not maintain a permanent residence within the **City**.

RESIDENT BUSINESS 1 - means a resident business occupying a floor area over 0 and less than 100 square meters.

RESIDENT BUSINESS 2- means a resident business occupying a floor area over 100 and less than 300 square meters.

RESIDENT BUSINESS 3 - means a resident business occupying a floor area over 300 and less than 600 square meters.

RESIDENT BUSINESS 4 - means a resident business occupying a floor area over 600 and less than 2500 square meters.

RESIDENT BUSINESS 5 - means a resident business occupying a floor area greater than 2500 square meters.

ROOM RENTALS - means, excluding secondary suites, letting or making rooms available for living accommodation either in a hotel, motel, auto court, apartment, rooming houses, or elsewhere, which do not necessarily contain cooking, eating, living, sleeping and sanitary facilities.

SEASONAL LICENCE means a **licence** that is valid for a period of six (6) consecutive months in a twelve (12) month period and is calculated as one-half (1/2) of the regular **licence fee** for the **licence** type pursuant to the current ***Fees & Charges Bylaw***.

SECONDARY SUITE means a secondary dwelling unit in a building as defined in the ***City of Vernon Zoning Bylaw***, as amended from time to time.

SECONDHAND DEALER means a person who **carries on** the **business** of purchasing, selling, procuring or offering for sale used or second-hand items whether on a wholesale or retail basis, or who operates the premises of a second-hand dealer as defined in the current *City of Vernon Secondhand Dealers and Pawnbrokers Bylaw*.

SPECIAL EVENT BUSINESS LICENCE means a business licence involving short term or temporary events with mobile vendors that, except as provided otherwise in this Bylaw, does not exceed fourteen (14) consecutive days in duration. The **business licence** is applied for by an event coordinator and includes but is not limited to all outdoor events or gatherings or events proposed to use public properties such as parks or roads, including but not limited to airport events, parades, fairs or concerts.

STREET PERFORMANCE AND BUSKING means any **person** who **carries on** a **business** as a street performer or busker pursuant to the **City's** current *Street Performance and Busking Policy*.

TEMPORARY LICENCE means a business **licence** that is valid for a limited length of time from one (1) day to thirty (30) consecutive days in a twelve (12) month period.

UNCLASSIFIED means any business for which a licence is required as defined by this Bylaw and includes every person within the **City**, any profession, business, trade, occupation, employment or calling, not herein before enumerated or who enters into or carries on any contract to perform any work or furnish any material.

VARIABLE SURCHARGE means a fee that is in addition to the **licence fee** of a business type involving **liquor** establishments, **dwelling units** and **room rentals** pursuant to the **Fees and Charges Bylaw**.

CITY OF VERNON ZONING BYLAW - means the current *City of Vernon Zoning Bylaw* as amended from time to time.

PART THREE - APPLICATION PROCESS

- 3.1** A **business licence** is required for every **business** carried on in the **City** whether or not the **business** is **carried on** in or from a **premises** in the **City** and a **person** must not **carry on** any **business** within the **City**; unless that **person** has a valid and subsisting **licence** pursuant to this Bylaw.
- 3.2** An **application** for a **licence** shall not be considered by the **Licencing Department** unless and until the **applicant** pays the non-refundable **application fee** and any other fees, including fees for consultations, approvals and inspections, required by this Bylaw or any other bylaw, as specified in the current **Fees & Charges Bylaw**.
- 3.3** Every **applicant** for a **licence** must make a true and correct statement in writing on the **application** form disclosing the nature and character of the business to be **carried on**, the address of the business and all other facts as required on the **application** form and such other information as the **Licencing Department** may reasonably require.
- 3.4** Every **applicant** for a **licence** shall conform to the provisions of this Bylaw and any other bylaw, or law of British Columbia or Canada applicable to that business and it is the responsibility of the **applicant** for a **licence**, not the responsibility of the **Licencing Department**, to obtain the inspection and approvals required under applicable laws or bylaws.

PART FOUR - LICENCE FEES

- 4.1** A **licencee** or **applicant** shall pay all fees applicable to the business in question, including **licence fees**, **application fees** and any **surcharges** prescribed in the current **Fees & Charges Bylaw**.
- 4.2** **Council** considers registered, **charitable** societies or organizations to be contributing to the general interest and advantage of the **City**. Every registered, **charitable** society or organization is required to hold a valid and subsisting **licence** and is required to remit payment for the **application fee** associated with the **licence application**.

However, the production of an approved government **non profit** or **charitable society** registration number allows the annual business **licence fee** to be waived which is separate and apart from the **application fee**.

- 4.3 A **licence** is valid for up to one (1) year, with the exception of street performance and busking, **seasonal** and **temporary licences** which shall be valid for a term of six (6) months, one (1) month or one (1) day. All **licences** expire on December 31, or sooner, in each year.
- 4.4 The **licence fees** prescribed in the current **Fees & Charges Bylaw** may be reduced pro-rata on a monthly basis provided that such pro-rated fee shall be rounded up to the next \$5.00 increment or multiple thereof; and further provided that a minimum fee of \$25.00 shall apply. This subsection does not apply to **application fees, temporary licences** and **seasonal licences**.
- 4.5 No **licence fee** paid shall be refundable with the exception of a **licencee** who receives a **licence** but does not commence **carrying on** or operating the business in respect of which the **licence** was granted. The **licencee** shall then be entitled to a refund of all but twenty five (25%) percent of the **licence fee** upon making written application for a refund to the **Licencing Department**. This subsection does not apply to **application fees**.
- 4.6 Where any fees are paid by an **applicant** and the approvals required pursuant to subsection 3.4 are not obtained within six (6) months of the **application** date, those fees are forfeited to the **City** and the **application** cancelled by the **Licencing Department**.
- 4.7 Where a **business** is **carried on** from more than one **premises**, the **business carried on** from each **premises** requires a separate **application fee, licence fee** and **licence**.
- 4.8 Where **multiple businesses** are **carried on** from the same **home based occupation premises** by the same **person** such **businesses** shall be considered one business for the purpose of the **licence fee**. However, this subsection does not apply to **application fees** or **amendment fees** for **multiple businesses**.
- 4.9 Where **multiple businesses** are carried on from the same building, operated or owned by the same **licencee** and the **businesses** are accessible to each other through internal doorways without leaving the structure, such **businesses** shall be considered one **premises** for the purpose of the **licence fee**. However, this subsection does not apply to **application fees** or **amendment fees** for **multiple businesses**.

- 4.10** All **application fees, amendment fees** and **licence fees** are exempt from Provincial and Federal Taxes.
- 4.11** Where a **licence** is to be amended or changed in any manner, the **licencee** must apply to amend the **licence** by completing a revised **licence application** and paying the **amendment fee** prescribed in the current ***Fees & Charges Bylaw***.
- 4.12** Any person who purchases an interest in a business, and who operates that business without first having obtained either the transfer of a **licence** or a new **licence** for that business; is in violation of this Bylaw.
- 4.13** A licencee must renew a **licence**, other than a **temporary licence, special event licence** or **seasonal licence**, by submitting the required **licence fee** prior to the beginning of each **licence** period. It is the **licencee's** responsibility to renew a **licence** regardless of whether the **licencee** has received a renewal invoice or not.
- 4.14** A business in respect of which the **licencee** fails to renew the **licence** within six (6) months from January 1 of each year as required by this Bylaw shall be considered no longer active and the **licence** shall be cancelled by the **Licensing Department**. In order to carry on the business in respect of which the **licence** was cancelled, a person shall apply for a new **licence** and submit the same supporting documentation in the same manner as the **application** for the first **licence** and pay the **application fee** as set out in the current ***Fees & Charges Bylaw***.
- 4.15** In every case where there is a trade, occupation, profession or business practiced by two or more persons in partnership, it shall be deemed a sufficient compliance with this Bylaw if one **licence** is applied for and one fee is paid in the name of the partnership.
- 4.16** Upon the termination or closing of a business, the **licencee** shall notify the **Licensing Department** that a business **licence** is no longer required.
- 4.17** The **licencee** or person in charge or control of the **premises** in which a business for which a **licence** is issued is **carried on**; shall at all times keep the **licence** or **licences** prominently displayed in the area of the **premises** to which the public have access. For businesses that are not carried on at a fixed location, the business licence must be carried on their person and must be produced when requested for public inspection.
- 4.18** A **licence** is not a representation or warranty that the **licenced** business or the business **premises** complies with the bylaws of the **City** or with any other regulations or standards.

- 4.19** Every building permit holder shall provide a list of all sub-trades engaged on each specific job, on request of the **Licencing Department**.

PART FIVE - SPECIFIC LICENCE REQUIREMENTS

In addition to meeting the requirements of Part 3 and Part 4, **applicants** for the following specific categories of **licences** must satisfy the applicable requirements specified in this Part at the time of application, before a **licence** shall be issued.

- 5.1 Automobile Dealer (New and Used)** - Every automobile dealer (new and used) applicant must provide the **Licencing Department** with a copy of the Motor Dealer's certificate of registration issued to such applicant under the *Motor Dealer Act*. Each existing automobile dealer (new and used) licensee shall provide the **Licencing Department** with a copy of said certificate upon request.
- 5.2 Circus and Carnival** - Every person desirous of holding an exhibition, circus, carnival or other itinerant show or entertainment ('the event'), unless otherwise provided for herein, shall obtain a business **licence** prior to holding the event. However, no licence shall be issued to any person for the purpose of holding the event on **City** property until such **person** has filed with the **Licencing Department**:
- (a) evidence of obtaining and maintaining a comprehensive general liability policy of insurance in the amount of not less than Five Million Dollars (\$5,000,000.00), which holds the **City** harmless against all claims, actions for bodily injury, death, and property damage including loss of use thereof. The insurance shall name the **City** as an additional insured; and
 - (b) the period for a **licence** with respect to the event being held elsewhere than in a **licensed** theatre or **licensed** place shall be for a period not to exceed fourteen (14) days.
- 5.3 Horse Drawn Carriage** - Every horse drawn carriage **applicant** and **licensee** must review and comply with the current *Horse Drawn Carriage Bylaw*.
- 5.4 Mobile Vendor** - Every **applicant** for a Mobile Vendor's **licence** must review and comply with all applicable regulations and policies as established by the **City**.
- 5.5 Vehicles for Hire** - No person shall operate, or permit to be operated, in the **City** a commercial passenger vehicle unless such commercial passenger vehicle is duly **licensed** under the provisions of the *British Columbia Passenger Transportation Act*.
- 5.6 Pedicabs** - Every **applicant** for a pedicab **licence** must provide to the **City** evidence of obtaining and maintaining a comprehensive general liability policy of insurance in the

amount of not less than Five Million Dollars (\$5,000,000.00), which holds the **City** harmless against all claims, actions for bodily injury, death, and property damage including loss of use thereof. The insurance policy shall name the **City** as an additional insured.

5.7 Farmers' Market - Every Farmers' Market applicant must obtain a **licence** that shall cover ALL the vendors participating in the market inclusive of mobile concessions and prior to allowing the sale of any goods, be able to provide evidence that all vendors intending to sell food products have complied with any conditions, restrictions or requirements of the **City** and the Medical Health Officer; and,

(a) must not operate on **City** lands or premises until the Farmers' Market applicant has provided a certificate of insurance that includes vendors' product liability, in a form and on terms acceptable to the **City** naming the **City** as an additional insured.

5.8 Sidewalk Cafes, Displays and Retail Sales - Every **applicant** for sidewalk cafes, displays or retail sales on **City** sidewalks must comply with the current *Sidewalk and Boulevard Area Use Permits Policy* as provided by the **Licencing Department**.

5.9 Secondary Suites - Secondary Suites shall be permitted in accordance with the current **City of Vernon Zoning Bylaw** and all homeowners with secondary suites must obtain and hold a valid and current **licence** for the rental of the secondary suite or the primary dwelling unit with which it is associated. *(Bylaw 5513)*

5.10 Special Events - Unless otherwise provided for herein, every person desirous of holding a **special event** where there shall be mobile vendors shall obtain a **special event business licence** prior to holding the **special event**, however;

(a) A **licence** for each **mobile vendor** at a **special event** is not required if the **person** coordinating the **special event** holds a valid **licence** for the **mobile vendors** for that **special event**; and

(b) The **applicant** for a **special event business licence** for a **special event** being held on **City** property shall submit, along with the **licence** application, written authorization from the **City** to hold the **special event** on **City** property with confirmation of acceptable comprehensive insurance coverage reflecting the **City** as an additional insured.

5.11 Street Performers and Buskers - Every applicant for a **street performance and busking licence** must comply with the **City's** current *Street Performance & Busking Policy* as provided by the **Licencing Department**.

5.12 Vending on City Streets - unless otherwise permitted by a licence issued under this Bylaw, a person must not canvass or solicit business on any street or from anyone in the **City**.

PART SIX - GENERAL EXEMPTIONS

- 6.1** A **licence** is not required for a business **carried on** by the **City**, the Province of British Columbia or the Government of Canada or a Crown Corporation created by either Government. However, a person who contracts with any of the Governments, persons or organizations designated in this provision shall be subject to all the requirements of this Bylaw.
- 6.2** No **licence** is required with respect to a performance, concert, exhibition, entertainment or concession that is held in a **licensed** theatre or other **licensed premises**, excluding the businesses mentioned in subsection 5.2.
- 6.3** No **licence** is required for owners or operators of taxi cabs who only discharge passengers in the **City**.
- 6.4** No **licence** is required for the business of letting or renting rooms if not more than two (2) rooms are available for letting or renting excluding **Bed & Breakfast** establishments and **Secondary Suites**.
- 6.5** No **licence** is required for the business of daycare or senior care if not more than two (2) persons are being supervised or cared for at any given time.
- 6.6** No **licence** is required for garage/yard sales when held on residential **premises** and such sales shall only be permitted two (2) sale days per year per residence and two (2) sale days per year per building in multiple family areas.

PART SEVEN - BUSINESS LICENCE USE TYPES

- 7.1** **Applicants** and **licencees** in respect of the following businesses shall be responsible for paying the **licence fees** prescribed in the current **Fees & Charges Bylaw**.
- (a) **Contractor** - short form is **(CON)**
 - (b) **Farmers' Markets** - short form is **(MAR)**
 - (c) **Home Based Occupation** - short form is **(HBO)**
 - (d) **Non-Resident** - short form is **(NR)**
 - (e) **Resident Business** - short form is **(RB1)**
 - (f) **Resident Business** - short form is **(RB2)**
 - (g) **Resident Business** - short form is **(RB3)**

- (h) **Resident Business** - short form is **(RB4)**
- (i) **Resident Business** - short form is **(RB5)**
- (j) **Room Rentals** - short form is **(RR)**
- (k) **Seasonal Licence** - short is **(SL)**
- (l) **Secondary Suites** - short form is **(SS)**
- (m) **Special Events** - short form is **(SE)**
- (n) **Street Performance and Busking** - short form is **(SP)**
- (o) **Temporary Licence** - short form is **(TL)**
- (p) **Unclassified** - short form is **(UN)**
- (q) **Variable Surcharge** - short form is **(VSLL)** and **(VSRR)**
- (r) **Casino** - short form is (CAS)
- (s) **Cannabis Retail** – short form is (CR)

7.2 Liquor Primary and **Food Primary** businesses shall be charged the applicable **variable surcharges** listed in the current **Fees & Charges Bylaw**, in addition to the base **licence fee**.

PART EIGHT - SUSPENSION OF LICENCES

8.1 Subject to the *Community Charter*, Council may suspend or revoke a **licence** issued under the provisions of this Bylaw or refuse to grant the request of an **applicant** under this bylaw if an **applicant**:

- (a) is convicted of any offence under any bylaw or Statute of the Province or Canada in respect of the business or type of business to which the **licence** relates, or with respect to the **premises** named in the **licence**;
- (b) has, in the opinion of Council, been guilty of such gross misconduct in respect of the business or with respect to the **premises** named in the **licence**;
- (d) has ceased to meet the lawful requirements to **carry on** the business for which he is **licenced** or with respect to the **premises** named in the **licence**;

- 8.2 The suspension or revocation of a **licence** by Council shall be made; in writing, signed by the **Licence Inspector** and served on the **licencee** of such **licence** by registered mail to the address given by the **licencee** on the application for the **licence**. A notice of suspension or revocation of a **licence** may be posted by the **Licence Inspector** upon the premises for which the **licence** was issued and such notice shall not be removed until the **licence** is reinstated, the former **licencee** ceases to occupy the **premises**, or a new business other than the one carried on by the former **licencee** is started in the **premises**.
- 8.3 Prior to revoking or suspending a **licence**, Council shall give the **licencee** notice of the proposed action and an opportunity to be heard in respect of the matter. The notice shall be mailed by registered mail to the **licencee** at the address of the business in question or hand-delivered to the **licencee**.
- 8.4 Within 10 (ten) days of receiving the notice issued under 8.3 of this Bylaw, a **licencee** may request an opportunity to be heard by Council in respect of the suspension or cancellation of a **licence** by notifying the Corporate Officer for the City of Vernon.
- 8.5 On request by an **applicant**, Council shall give written reasons for its decision to suspend, revoke, or refuse to issue a **licence**.

PART NINE - BYLAW VIOLATIONS AND PENALTIES

- 9.1 In accordance with section 16 of the *Community Charter*, **Licence Inspectors** and **Bylaw Officers** are hereby authorized to enter at all reasonable times on any property that is subject to the regulations of this Bylaw, in order to ascertain whether such regulations or directions as contained in this Bylaw are being met or observed.
- 9.2 No person may obstruct a **bylaw officer** or **licence inspector** in the fulfillment of his or her duties.
- 9.3 This Bylaw may be enforced by means of a municipal ticket or bylaw notice in the forms prescribed for those purposes in the *Community Charter* and the *Local Government Bylaw Notice Enforcement Act*. Designated offences, bylaw enforcement officers, fines, fine reductions or surcharges are as set out within the **City's** current *Municipal Ticket Information Bylaw* and the current *Bylaw Notice Enforcement Bylaw*.
- 9.4 Every person who:
- (a) contravenes any of the provisions of this Bylaw;

- (b) causes or permits or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw; or
- (c) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw,

is guilty of an offence and upon conviction shall be liable for the costs of prosecution and

1. a fine and penalty of not less than Five Hundred Dollars (\$500.00) and not more than Ten Thousand Dollars (\$10,000.00),
2. imprisonment for a term not more than 6 months, or
3. both.

Each day such offence continues is deemed to constitute a separate offence, and separate fines, each not exceeding the maximum fine for that offence, may be imposed for each day or part thereof in respect of which the offence occurs or continues.

9.5 In addition to the penalties set out in section 9.4, a court may also make orders in accordance with section 263.1 of the *Community Charter*, as amended.

9.6 Nothing in this bylaw limits the **City** from utilizing any other remedy that would otherwise be available to the **City** at law, including remedies available through prosecution or civil remedies, including injunction.

PART TEN: APPEAL PROCEDURES

10.1 A **licencee** whose **licence** has been suspended, or revoked or an applicant whose application for a licence has been refused may appeal in writing to Council, and upon such appeal, Council may confirm or set aside such suspension, revocation, or refusal on such terms as it may think fit.

READ A FIRST TIME this 14th day of April, 2014

READ A SECOND TIME this 14th day of April, 2014

READ A THIRD TIME this 28th day of April, 2014

ADOPTED this 12th day of May, 2014

Mayor:

Corporate Officer: