

SUMMARY:

The Business Licence bylaw regulates, prohibits and imposes requirements in relation to business.

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THE CORPORATION OF THE CITY OF NELSON

Business Licence Bylaw No. 3347, 2016

Revised April 9, 2024

**Consolidated for Convenience to Include Bylaw Nos. 3404, 3416,
3415, 3598**

Being a bylaw respecting Licences for carrying on business within the City of Nelson

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THE CORPORATION OF THE CITY OF NELSON

Business Licence Bylaw No. 3347, 2016

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to business;

NOW THEREFORE the Council of the City of Nelson, in open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION

- 1.1 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.
- 1.2 Any reference in this bylaw to an appendix, schedule, statute, regulation, bylaw or other legislative instrument shall be deemed to mean a reference to that appendix schedule, statute, regulation, bylaw or legislative instrument in force at the effective date of this bylaw, and as amended, superseded or replaced from time to time thereafter.

PART 2 – DEFINITIONS (amended by Bylaw 3404, 3416)

- 2.1 The following words or phrases have the meanings set out in the City of Nelson Zoning Bylaw 3199, 2013: **"Bed and Breakfast"**, **"Dwelling Unit"**, **"Guest Suite"**, **"Guest Room"**, **"Guest Home"**, **"Home Occupation"**, **"Multi-Unit Residential"**, **"Short-Term Rental"**.
- 2.2 In this bylaw, the following terms have the following meanings:
 - a) **"BUSINESS"** means the carrying on of 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;
 - b) **"BYLAW ENFORCEMENT OFFICER"** means a person acting as any of the following are designated for the purposes of this Bylaw and the *Local Government Bylaw Notice Enforcement Act*:
 - 1) Special constables, officers, members or constables of the Nelson Police Department;
 - 2) Bylaw Enforcement Officers appointed pursuant to the Police Act and Community Charter;

- 3) Local Assistants to the Fire Commissioner under Section 6 of the Fire Services Act;
- 4) Bylaw Enforcement Officers, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of a municipality, regional City or local trust committee for the purpose of enforcement of one or more of its Bylaws.
- c) **"BYLAW NOTICE"** means a ticket issued under the Bylaw Notice Enforcement Bylaw;
- d) **"BYLAW NOTICE ENFORCEMENT BYLAW"** means the City of Nelson Bylaw Notice Enforcement Bylaw No. 3195, 2011, including all amendments and replacements thereto;
- e) **"CANNABIS"** means Cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing Cannabis;
- f) **"CANNABIS RETAIL STORE"** means a retail establishment licensed under provincial authority for the sale of cannabis for consumption off-premises.
- g) **"CHIEF CONSTABLE"** means the Chief Constable of the City of Nelson Police Department and includes any police officer or peace officer acting under his or her authority;
- h) **"CITY"** and **"CITY OF NELSON"** means The Corporation of the City of Nelson and is called the "City" when referring to the corporate entity and "City of Nelson" when referring to the geographic location;
- i) **"COUNCIL"** means the Council of the Corporation of the City of Nelson;
- j) **"DOOR-TO-DOOR AND DIRECT SALES"** means the carrying on of a business by the display or demonstration of samples, the taking of orders, or the offering for sale of goods, wares, or other merchandise directly to or from any public place, in commercial premises or in private premises occupied by the prospective purchaser;
- k) **"DRIVER"** means any person who drives a vehicle as herein defined and includes any other person driving or in charge of a vehicle for hire;
- l) **"DRIVE-THRU RESTAURANT"** means a building providing for a restaurant use where food is purchased from a vehicle through a drive-thru takeout window;
- m) **"FEES AND CHARGES BYLAW"** means the City's Fees and Charges Bylaw, No. 3092, 2008, including all amendments and replacements thereto;

- n) **"GUEST SUITE"** is as defined in the Zoning Bylaw No. 3199, 2013, including all amendments and replacements thereto.
- o) **"HIRE"** means the fare, toll, fee or rate charged or collected from any person for the transportation of a person or persons or chattels of persons.
- p) **"LICENCEE"** means a business entity which holds a valid licence to operate a business within the City of Nelson under this Bylaw;
- q) **"LICENCE INSPECTOR"** means the person, from time to time, duly appointed as Licence Inspector for the City, a peace officer and any employee of the City acting in the capacity of Licence Inspector;
- r) **"OWNER"** means:
 - (1) with respect to motor vehicles and commercial vehicles, a person or persons duly registered from time to time under the *Motor Vehicle Act* or *Commercial Transport Act*, as the case may be, as the owner of the motor vehicle or commercial vehicle; and
 - (2) with respect to land, buildings and premises, means the registered owner, tenant, lessee, agent, licensee and any other person who has the right of access to and control of any land, building or premises to which any of the provisions of this Bylaw apply;
- s) **"PERMIT"** means an annual permit required to be held by a driver pursuant to the provisions of this Bylaw;
- t) **"PERSON"** includes any corporation, partnership, sole proprietorship, party or individual;
- u) **"PREMISES"** means a building or portion of a building or an area of land occupied, or capable of being occupied, by a business for the purpose of carrying on a business;
- v) **"PRINCIPAL RESIDENCE – NON-PROPERTY OWNER"** means the dwelling where an individual lives, makes their home, and conducts their daily affairs including, without limitation, paying bills and receiving mail and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licences, personal identification, vehicle registration and utility bills;
- w) **"PRINCIPAL RESIDENCE – PROPERTY OWNER"** means the dwelling where an individual lives and is the property where the person

claims the provincial home owner grant; and

- x) **"TAXI"** means a vehicle which is operated or plies for hire by members of the public for the transportation and conveyance of persons or property for hire, but does not include an ambulance, public transit bus, hearse or a vehicle driven by the person who hires it.

PART 3 - LICENCE REQUIRED

- 3.1 Every person who owns or operates a business within the City of Nelson shall apply for, obtain and hold a licence for each business.
- 3.2 Every person who operates a business at more than one premises, shall obtain a separate licence for each premises, whether or not the premises are located in the same building.
- 3.3 A person who operates more than one business at one premises, shall apply for and maintain a separate licence for each business.
- 3.4 No person shall carry on any business for which a licence is required by bylaw within the City of Nelson without holding a valid and subsisting licence for the carrying on of such business.
- 3.5 Every person who carries on a business in the City shall comply with all bylaws of the City and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such business.

PART 4 - EFFECT OF LICENCE

- 4.1 Every licence issued under this bylaw is personal to the person named in the licence and may not be transferred to another person.
- 4.2 A person shall not carry on a business in or on any premises other than those identified on the licence without first making an application for a new licence or a change to the licence.
- 4.3 The granting of a licence under this bylaw in no way implies or constitutes a representation or warranty of the Licence Inspector or the City that the licensee is competent in the business operation for which they are licenced or that the licenced business or the business premises comply with the City's bylaws.
- 4.4 Every operator of a business is responsible for complying with, and is subject to, the requirements of all other City bylaws applicable to the business.

PART 5 - LICENCE PERIOD

- 5.1 Except as otherwise provided in this Bylaw, the licence period shall be one (1)

year, to commence on January 1 and to terminate on December 31, on each and every year.

- 5.2 The licence period with respect to a Short-Term Rental will be for the periods set out in Schedule "A".
- 5.3 The licence period with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced premises, will be one day.

PART 6 - LICENCE APPLICATION AND FEE

- 6.1 Except as otherwise provided in this Bylaw, the application for a licence and the licence issued thereafter shall be in the form prescribed by the City.
- 6.2 Where an applicant applies for more than one licence, the particulars of each licence applied for shall be included on a separate application form for each licence.
- 6.3 Every person applying for a new licence shall, at the time of making the application, pay to the City:
 - a) the licence fee for the applicable type of business prescribed by the Fees and Charges Bylaw;
 - b) all outstanding fees, charges and penalties due and payable to the City in respect of the business; and
 - c) all applicable federal and provincial sales taxes.
- 6.4 Any person making application for a licence under this Bylaw shall, at the time of making such application, make a true and correct statement in writing disclosing the nature of and character of such business to be carried on by the applicant, including business name, legal business name if different, contact information, number of persons engaged or occupied in the business.
- 6.5 Licence fees paid hereunder shall not be refundable.
- 6.6 For licence applications received on or after July 1st, other than applications for Short-Term Rental licences, the applicable licence fees prescribed by the Fees and Charges Bylaw will be reduced by fifty (50) percent. The fee reduction provided herein shall only be applicable for the licence period applicable to the application.
- 6.7 Notwithstanding the requirements of Section 6.6, for Annual Short-Term Rental licence applications received on or after August 1st, the applicable licence fees prescribed by the Fees and Charges Bylaw will be reduced by fifty (50) percent. The fee reduction provided herein shall only be applicable for the licence period

applicable to the application.

- 6.8 Licence applications for Annual Short Term Rentals – Guest Suite shall be required to pay the Short Term Rental-Guest Suite water and sewer fees as established in the Fees and Charges Bylaw.
- 6.9 Notwithstanding the regulations in the Sanitary Sewer Regulatory Bylaw No. 3351, 2016 and the Waterworks Regulatory Bylaw No. 2392, 2015 and all replacements and amendments thereto, the Short Term Rental-Guest Suite water and sewer fees shall not be eligible for the 10% discount or the quarterly instalment payments.

PART 7 - LICENCE TO BE DISPLAYED

- 7.1 Every licensee shall keep a copy of the licence posted in a conspicuous place in the premises, vehicle or other mode of transport, place or structure where the business is conducted or undertaken and for which the licence is issued.

PART 8 - LICENCE INSPECTOR

- 8.1 The Council may, by resolution, from time to time, appoint a Licence Inspector for the purposes of administering and enforcing the provisions of this Bylaw.
- 8.2 A Licence Inspector appointed pursuant to Section 8.1 shall have the authority to grant or refuse a licence.
- 8.3 Pursuant to the *Community Charter*, the Licence Inspector or Chief Constable may enter, at all reasonable times onto and into premises to inspect and determine whether all regulations, prohibitions, and requirements established by this Bylaw are being met.
- 8.4 An owner shall provide to the Licence Inspector and Chief Constable the information and the access to premises in order for an inspection and determination under Section 8.3 to be made.

PART 9 – GRANTING AND REFUSAL OF LICENCES

- 9.1 The Licence Inspector may grant a licence where the Licence Inspector is satisfied that the applicant therefore has complied with the requirements of the bylaws of the City regulating building, zoning, health, sanitation and business.
- 9.2 The Licence Inspector may refuse to grant a licence in any specific case provided that a licence shall not be unreasonably refused and, in the case of refusal, upon request, the Licence Inspector must provide written reasons for the refusal and opportunity for the applicant to be heard.

- 9.3 In considering an application for a licence, the Licence Inspector may require that an applicant provide proof of certification, approval or qualification required by a Federal, Provincial or Local Government Authority having jurisdiction over the business.
- 9.4 The Licence Inspector may establish the terms and conditions of a licence, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence.
- 9.5 If the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector shall be submitted prior to the issuance of the licence.
- 9.6 The Licence Inspector may suspend or refuse to issue or renew a licence for a Cannabis Retail Store where Cannabis is kept on the premises if the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
- a) was convicted anywhere in Canada of an offence involving dishonesty;
 - b) was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the licence relates;
 - c) was convicted, found guilty of, or liable for any contravention or offence, in Nelson, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business;
 - d) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.
 - e) the licence issued by the Province is suspended or cancelled.
- 9.7 The Licence Inspector may suspend or cancel a licence for a Cannabis Retail Store if the licence issued by the Province is suspended or cancelled.

PART 10 - SUSPENSION AND CANCELLATION OF LICENCES

- 10.1 The Licence Inspector is authorized by Council to suspend or cancel a licence for:
- a) failure by a licensee to comply with a term or condition of the licence;
 - b) failure by a licensee to comply with this Bylaw;
 - or
 - c) reasonable cause,
- provided that the Licence Inspector has, before the suspension or cancellation, given the licensee notice of the proposed suspension or cancellation and an opportunity to be heard.

PART 11 - COUNCIL RECONSIDERATION OF REFUSAL, SUSPENSION OR CANCELLATION OF LICENCE

- 11.1 If the Licence Inspector proposes to exercise his/her authority to refuse, suspend or cancel a licence, the Licence Inspector must provide to the applicant or licensee who is subject to the Licence Inspector's decision, notice of the Licence Inspector's proposed action and that the licensee is entitled to have Council reconsider the matter.
- 11.2 A notice under section 11.1 shall be issued to the licensee and served on the licensee or delivered by registered mail to the licensee to the address given by the licensee on the application for the licence.
- 11.3 An applicant or licensee who wishes to have Council reconsider the refusal, suspension or cancellation of a licence shall give written notice of its request for reconsideration to the City's Director of Development Services and such notice must include a description of the grounds upon which the request for reconsideration is made.
- 11.4 Upon receipt of a written notice under section 11.3, the City's Director of Development Services shall schedule the time, date, and place for Council to hear the matter.
- 11.5 In reconsidering a decision of the Licence Inspector to refuse, suspend or cancel a licence, Council may confirm or set aside the Licence's Inspector's decision as Council deems appropriate in the circumstances.

PART 12 – GENERAL REGULATIONS

- 12.1 Where any Federal or Provincial enactment or any other City bylaw applies to any matter covered by this Bylaw, the issuance of a licence under this Bylaw shall not relieve the licensee from complying with the provision of such other enactments or bylaws.
- 12.2 A licence is not assignable or transferable. If ownership of a business, or control of a business entity, changes, the new owner(s) of the business must apply to the City for a new licence.
- 12.3 Notwithstanding section 12.2, if all outstanding fees under this Bylaw have been paid in respect of an existing licence, then no additional amounts are payable by the new owner(s) for the current licencing period for fees that are duplicative of the paid fees.

PART 13 - SHORT-TERM RENTAL LICENCE REGULATIONS (amended by BL 3598)

- 13.1 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.
- 13.2 A Short-Term Rental licence is only valid for one dwelling unit and one category of Short-Term Rental.
- 13.3 An owner may not hold more than one (1) Short-Term Rental licence, notwithstanding that the owner may be licenced for a second Short-Term Rental provided that it is for a period of less than six (6) months.
- 13.4 No more than two (2) 31-Day Short-Term Rental licences per calendar year and no more than one (1) Four-Month Short-Term Rental licence will be issued in respect of the premises from which the Short-Term Rental is operated. A premises issued a Four-Month Short-Term Rental licence is not eligible for 31-Day Short-Term Rental licence in the same calendar year.
- 13.5 No person shall operate a Short-Term Rental unless the premises can be demonstrated to be that person's Principal Residence - Non-Property Owner (in the instance where the operator does not own the property) or Principle Residence - Property Owner (in the instance where the operator does own the property).
- 13.6 Notwithstanding the requirements of Section 13.5, if the operator is the property owner, it is the first year of home ownership and home ownership occurred after the property tax deadline date, the operator must demonstrate Principle Residence - Non-Property Owner.
- 13.7 No person shall operate a Short-Term Rental without a valid and subsisting licence.
- 13.8 No person shall offer or advertise a Short-Term Rental without a valid licence in respect of such Short-Term Rental.
- 13.9 Short-Term Rentals are subject to inspection by a Licence Inspector once every three (3) years, whether or not the Short-Term Rental has been continuously licenced during that period. At the discretion of the Building Official, the inspection required at the time of initial application may be waived if the subject property has been subject to a full inspection under a Building Permit within the previous three years.
- 13.10 Without limiting the generality of section 4.4, every person operating a Short-Term Rental must comply with, and will be subject to the Zoning Bylaw, No. 3199, 2013, the Off-Street Parking and Landscape Bylaw, No. 3274, 2013 and the Noise Control Bylaw, No. 3201, 2011, as each of those may be amended or replaced from time to time.

- 13.11 The minimum parking requirement for a Short-Term Rental may be waived if it can be demonstrated to the satisfaction of the Director of Development Services, that the equivalent number of parking spaces are available on the right-of-way immediately adjacent to the subject property and results in no impact to public parking on the right-of-way.

PART 14 - SHORT-TERM RENTAL LICENCE APPLICATIONS(amended by BL 3598)

- 14.1 Applications for Short-Term Rental licences will be processed by the City on a first- come basis.
- 14.2 An application for a Short-Term Rental licence shall be made on a form prescribed by the City.
- 14.3 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:
- a) proof of ownership of the premises from which the Short-Term Rental will be operated;
 - b) proof of Principal Residence – Non-Property-Owner or proof of Principal Residence – Property Owner, whichever is applicable;
 - c) contact information for one (1) or two (2) local contacts, who may be the applicant, as the individual(s) available on a 24/7 basis during the use of Short-Term Rental by a guest to respond within fifteen minutes to any telephone enquiries regarding the Short-Term Rental, and who have consented to the applicant to allow their contact information to be made publicly available, including on-line and to guests of the Short-Term Rental;
 - d) for a Short-Term Rental located within a Multi-Unit Residential building, other than a stratified building, a letter signed by an agent authorized to act on behalf of the multi-family building corporation, consenting to the applicant's operation of a Short-Term Rental from the premises;
 - e) for a Short-Term Rental located within a Multi-Unit Residential building that is stratified, a letter duly signed by the president of the strata council, consenting to the applicant's operation of a Short-Term Rental from the premises.
- 14.4 A local contact for a Short-Term Rental must reside within thirty (30) kilometers of the Short-Term Rental property.
- 14.5 In considering an application for a Short-Term Licence, the Licence Inspector may:

- a) consider whether a Short-Term Rental licence held by the applicant has been revoked in the preceding two (2) licence periods; and
- b) require an inspection of the premises from which the Short-Term Rental will be operated notwithstanding that, a 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.
- c) withhold approval of a licence if an applicant and/or property owner has outstanding unpaid penalties issued under the Bylaw Notice Enforcement Bylaw No. 3195, 2011.

PART 15 - SHORT-TERM RENTAL LICENCE RENEWAL

- 15.1 An application for renewal of a Short-Term Rental licence must be received by the City by December 15th in each calendar year, failing which the application shall be considered a new application and shall become subject to the Short-Term Rental allocation cap, pursuant to PART 17.

PART 16 - ADVERTISING AND ONLINE BOOKING PLATFORMS

- 16.1 Every advertisement for a Short-Term Rental must disclose, in respect of the Short-Term-Rental being advertised:
- a) a valid business licence number;
 - b) the number of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the Short-Term Rental are permitted to bring to the premises; and
 - c) the maximum permitted guest-occupancy applicable to the Short-Term Rental, pursuant to the Zoning Bylaw.

PART 17 – SHORT TERM RENTAL LICENCE CATEGORIES AND ALLOCATION CAP

- 17.1 The categories of licences available for Short-Term Rentals shall be as set out in Schedule "A".
- 17.2 The City will limit the number of Short-Term Rental licences available in a calendar year to the maximum number of licences set out for each category of licence in Schedule "A".
- 17.3 The City may refuse to grant a licence if the maximum number of Short-Term Rental licences for the category in which the applicant is seeking a licence has

been reached.

- 17.4 If, having issued the maximum number of Short-Term Rental licences, a licence is suspended or cancelled, then the City may approve a licence application to reallocate the suspended or cancelled licence.

PART 18 – SHORT-TERM RENTAL GUEST REGISTRY

- 18.1 Every person carrying on the business of a Short-Term Rental must:
- a) 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
 - b) upon request from the City, supply a copy of the guest register to the Licence Inspector.
- 18.2 The City 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.
- 18.3 The City 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 19 - EXEMPTION PROVISIONS FOR HOME OCCUPATION AND BED & BREAKFAST (Grandfathered Short Term Rentals)

- 19.1 Any property for which a person or business applied for, or renewed, a licence prior to January 1, 2016 and held a valid licence in 2016 for a "Home Occupation" designated for up to two (2) Guest Rooms or for a "Bed and Breakfast", and for which a licence has been in each calendar year since 2016, shall be exempt from:
- a) the Short-Term Rental licence allocation cap as set out in Section 2 of Schedule "A"; and
 - b) the requirement for the owner or operator of the Home Occupation or Bed and Breakfast, as the case may be, to list the licence number, parking spaces and maximum guest occupancy in respect of such Home Occupation or Bed and Breakfast on all booking platforms used for advertising the business.

PART 20 - LICENCE REGULATIONS FOR TAXIS AND VEHICLES FOR HIRE

20.1 Prior to issuance or annual renewal of a licence to operate a taxi or vehicle for hire, each owner/operator must produce to the satisfaction of the Licence Inspector the following documents:

- a) proof of vehicle insurance that indicates the vehicle for hire is insured as a taxi or vehicle for hire and liability insurance in respect of the vehicle is for not less than Two Million (\$2,000,000) Dollars.
- b) proof that the vehicle for hire, in the previous 60 days, has been inspected by a Ministry of Transport designated inspection facility and a safety inspection certificate has been issued in respect of the vehicle.

20.2 With respect to Taxis and Vehicles for Hire (Driver Permits):

- c) No person shall be employed as, or shall act or engage to act as a driver, unless he is of the full age of nineteen (19) years, and is the holder of an annual permit issued to him by the Chief Constable.
- d) No such permit shall be issued unless, in the opinion of the Chief Constable, the applicant is of good character, is not awaiting trial on a charge alleging dishonesty, violence, indecency or concerning narcotics, and the applicant has an adequate knowledge of the English language and of the geography of the City and surrounding area, as well as the contents of this Bylaw.
- e) Where a person holding a permit under the provisions of this section, by reason of his use of or dealing in intoxicants or narcotic drugs, or for any other reason, is in the opinion of the Chief Constable, unfit to act as a driver, the Chief Constable upon proof to his satisfaction of such unfitness, may suspend or cancel the permit.
- f) Where an application for a permit is refused, suspended or cancelled by the Chief Constable, the Chief Constable shall, within seven (7) days after such refusal, suspension or cancellation, notify the applicant or holder in writing, stating the grounds for such refusal, suspension or cancellation, and an appeal shall lie to the Municipal Council of the City from the refusal, suspension or cancellation and the decision of the Municipal Council thereon shall be final.
- g) The fee as established in the Fees and Charges Bylaw shall be charged for every permit issued under this section.
- h) Every driver who holds a permit issued under this section shall have the permit in his possession at all times while driving or operating a vehicle on

any highway, and shall produce the permit for inspection at any time upon the demand of a peace officer or police officer.

- i) Should there be any inconsistency between the provisions of this Bylaw and of the Motor Vehicle Act, the Motor Vehicle Act shall prevail.
- j) No taxi driver shall take, consume or have in his possession any unsealed alcoholic liquor while on duty.
- k) Every taxi driver shall keep a daily trip record, in a form approved by the Chief Constable, of the taxi driven by him. Such record shall be kept in the English language and shall contain the following information:
 - (1) the date, time, origin and destination of each trip;
 - (2) the taxi driver's name; and
 - (3) the provincial or City licence number of the taxi or both if required by any Act or Bylaw.
- l) The record mentioned in this section shall be made available at any time during the course of the shift on demand by the Chief Constable, shall be delivered to the owner at the end of the shift, and shall be kept by the owner with the records which are available for inspection by the Chief Constable for a period of one (1) year.

PART 21 – Licence Regulations for Drive-Thru Restaurants (amended by Bylaw 3404)

- 21.1 No drive-thru restaurant will be permitted to operate the drive-thru portion of their business between the hours of 11:00 pm until 5:00 am.

PART 22 – CANNABIS RETAIL STORE LICENCE REGULATIONS (amended by Bylaw 3415)

- 22.1 A requirement of this Bylaw pertaining to Cannabis Retail Stores does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 22.2 A Cannabis Retail Store must not:
 - a) advertise or promote the use of cannabis to a person under the age of 19;
 - b) allow a person to smoke, vape, consumer or otherwise ingest Cannabis or products containing Cannabis on the premises;
 - c) display signage that is in contravention to Provincial and Federal legislation and the City's Sign Regulation Bylaw No. 2027 including all amendments and replacements thereto;
 - d) place any sandwich board signs outside of the premises.

- 22.3 A Cannabis Retail Store must:
- a) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - b) install a security and fire alarm system;
 - c) not allow Cannabis to remain on the premises when the business is not open to the public, unless the Cannabis is securely stored on the premises;
 - d) ensure that no odour is detectible from public property, neighbouring properties, or other premises within the same building;
 - e) not use the premise to carry on business other than the Cannabis Retail Store;
 - f) ensure that windows on street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- 22.4 A Cannabis Retail Store must promptly bring to the attention of the Licence Inspector:
- a) the name of any new on-site manager, officer, director or shareholder of the licensee,
 - b) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee.
- 22.5 A Cannabis Retail Store must promptly provide to the Licence Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee.
- 22.6 Without limiting the generality of section 4.4, every person operating a Cannabis Retail Store must comply with, and will be subject to Zoning Bylaw No. 3199, 2013 and the Land Development Applications Procedures Bylaw No. 3243, 2012, as each of those may be amended or replaced from time to time.

PART 23 – CANNABIS RETAIL STORE LICENCE APPLICATIONS (amended by Bylaw 3415)

- 23.1 An application for a Cannabis Retail Store licence shall be made on a form prescribed by the City.
- 23.2 Any person making application for a Cannabis Retail Store licence shall at the time of making such application, in addition to the general requirements under this Bylaw, must:
- a) hold a valid licence issued by the Province to sell cannabis and be in compliance with all conditions and requirements of said licence;
 - b) any other documents required by the Licence Inspector.

PART 24 – ENFORCEMENTS AND PENALTIES

- 24.1 A person who:
- a) contravenes or fails to comply with this Bylaw;
 - b) permits, suffers or allows any act or thing to be done in contravention of this Bylaw;
 - c) fails to carry out an order made under this Bylaw;
 - d) fails or neglects to do anything required under a licence;
 - e) provides false or misleading information to obtain a licence under this Bylaw; or
 - f) carries on or remains open for business after receiving notice from the City that the licence for the business was suspended or cancelled,
- commits an offence and each day such an offence continues or is permitted to continue will constitute a separate offence.
- 24.2 On being found guilty of an offence under this Bylaw, a person will be liable to pay a fine of up to \$10,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding six months under the *Offence Act*.
- 24.3 This Bylaw is designated under section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Bylaw Notice.
- 24.4 Without limiting the enforcement options under Section 22.3, a person who commits an offence under this Bylaw will be liable to a penalty established under the Bylaw Notice Enforcement Bylaw.
- 24.5 Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a Bylaw Notice under section 264 of the *Community Charter*.
- 24.6 No person may obstruct a Bylaw Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

PART 25 - REPEAL AND REPLACEMENT

- 25.1 Business Licence Bylaw No. 3328, 2016 together with all amendments thereto is hereby repealed in entirety.

PART 26 - SEVERABILITY

- 26.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 27 - CITATION

- 27.1 This bylaw may be cited for all purposes as “The Corporation of the City of Nelson **Business Licence Bylaw No. 3347, 2016**”.

PART 28 -EFFECTIVE DATE

- 28.1 This Bylaw comes into force and effect upon its adoption.

READ A FIRST TIME the 21st day of November, 2016

READ A SECOND TIME the 21st day of November, 2016

READ A THIRD TIME the 21st day of November, 2016

FINALLY PASSED AND ADOPTED the 5th day of December, 2016.

DEB KOZAK

Mayor

FRANCES LONG

Corporate Officer

SCHEDULE "A"
to Business Licence Bylaw No. 3347, 2016
SHORT-TERM RENTALS

1. Short-Term Rental Licence Categories (amended by BL 3598)

Licences for Short-Term Rentals comprise the following categories:

- (i) Annual Short-Term Rental licence – valid from January 1 to December 31, but a Guest Home on a property with only one dwelling unit may not be advertised as available for rent for more than 182 days per calendar year;
- (ii) Four-Month Short-Term Rental licence – valid for four (4) continuous 31-day periods in one calendar year; the 31-day periods to be established at the time of issuance of the licence;
- (iii) 31-Day Short-Term Rental licence – valid for a continuous 31-day period commencing on the date specified on the licence.

2. Short-Term Rental Licence Allocation Caps

The maximum number of Short-Term Rental licences to be issued by the City for each category is as follows:

Maximum number of Short-Term Rental licences available for issuance:		
Annual Short-Term Rental licence	Four-Month Short-Term Rental licence	31-Day Short-Term Rental licence
110	40	No Cap
Maximum of three (3) licences in total are permitted within one block		

For the purposes of this Section 2, "one block" shall be considered to be the two sides of a single street that face one another and are bordered on either end by the nearest street or cul-de-sac. Where a lot is located on a lane, such lane shall be considered to be part of the nearest parallel street for the purposes of determining the boundaries of one block.