



Cultus Lake Park

HOME-BASED BUSINESS LICENCE BYLAW

Bylaw No. 1175, 2020

A Bylaw to regulate Home-based Business Licences.

Section 12 of the *Cultus Lake Park Act* (1932 and Amendments) enables the Cultus Lake Park Board to adopt Bylaws, and Section 9.2 (1) provides that Section 260 – Enforcement Powers of the *Community Charter* apply to the enforcement of the Bylaws of the Board, and Section 261 – Payment of Fines and Other Penalties to Municipality under the *Community Charter* provides that fines and other penalties imposed and collected under or because of a Cultus Lake Park Bylaw must be paid to the Park.

Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, will be in breach of this Bylaw, and will be liable to the fees as outlined in Schedule A of this Bylaw and the fines and provisions as outlined in the "Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019

The Cultus Lake Park Board in open meeting assembled, enacts as follows:

1. TITLE

- 1.1 This Bylaw may be cited as "Cultus Lake Home-based Business Licence Bylaw No. 1175, 2020".

2. INTERPRETATION

- 2.1 Words or phrases defined in the *British Columbia Interpretation Act*, *Motor Vehicle Act*, *Local Government Act*, *Community Charter* or any successor legislation, will have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 DEFINITIONS OF TERMS

"**Applicant**" means the leaseholder that is applying for a Home-based Business licence.

"**Board**" means the elected Board for Cultus Lake Park.

“Business Licence” means the Licence issued by Cultus Lake Park to the licensee to conduct business as outlined in the applicant’s application.

“Bylaw Compliance and Enforcement Officer” means a person acting as a Cultus Lake Park Bylaw Compliance and Enforcement Officer, or any other person acting in another capacity on behalf of the Cultus Lake Park Board.

“Bylaw Notice” means a ticket issued under the Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019.

“CAO” means the Chief Administrative Officer; a position appointed by the Board.

“Fee” means a fee charged as outlined in Schedule “A” of this Bylaw.

“Home-based Business” means the operation 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, within a leased lot.

“Leased lot” means land, with or without improvements, located within the Park, used for residential and/or commercial purposes.

“Leaseholder” means a person(s) having a current and valid lease with Cultus Lake Park.

“Licensee” means a business entity which holds a valid licence to operate a business within the Park under this Bylaw.

“Nuisance” means anything that annoys, irritates, disturbs or interferes with a person’s use or enjoyment of private or public property or is offensive to the senses or causes injury to health, comfort or convenience of any person.

“Park” means the area within the Park boundaries as outlined in the *Cultus Lake Park Act, 1932*, and the foreshore assigned to the Park by the Province of British Columbia.

“Park Staff” means any person employed by the Park.

“Person” includes any corporation, partnership, sole proprietorship, party or individual.

“Post/Posted” means keeping continuously displayed in a conspicuous area of the home.

“Substantiated” means that a reported Bylaw violation was investigated, and credible evidence was gathered that supported the reported allegation.

- 2.3** In this Bylaw, unless the context otherwise requires, the singular will include the plural and the masculine includes the feminine gender.

- 2.4** 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.

3. GENERAL REGULATIONS

- 3.1** No Person, Leaseholder or Resident will operate a Home-based Business within Cultus Lake Park without a valid Cultus Lake Park Home-based Business licence.
- 3.2** For a Leaseholder to be eligible to apply for a Home-based Business licence and to operate a Home-based Business within the Park they must be entered into the Cultus Lake Park Building Site Lease that allows for this usage.
- 3.3** All Home-based Business licencees are solely responsible for providing guests with adequate parking and valid parking permits as per Cultus Lake Park Parking and Traffic Regulations Bylaw No. 1154, 2019.
- 3.4** Every person who operates a business within the Park must comply with all Bylaws of the Park and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such business.
- 3.5** Where any Federal or Provincial enactment or any other Park Bylaw applies to any matter covered by this Bylaw, the issuance of a licence under this Bylaw will not relieve the licensee from complying with the provision of such other enactments or Bylaws.
- 3.6** All Home-based Business licences issued under this Bylaw are nontransferable.
- 3.7** All Home-based Business licences issued under this Bylaw are nonrefundable.
- 3.7** A person may not carry on a business in or on any premises other than those identified on the Home-based Business licence without first making an application for a new licence or a change to the licence.
- 3.8** The granting of a licence under this Bylaw in no way implies 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 Park's Bylaws or other applicable legislation relevant to the business.
- 3.9** The licence will be valid for (1) year, to commence on January 1 and to terminated on December 31 of each year and fees will not be prorated.
- 3.10** The Home-based Business licence must be posted at the place of business in a conspicuous location.
- 3.11** Every licensee must notify Cultus Lake Park in writing of:
- (a) Any change in the type or nature of the business;
 - (b) Any change in the type or nature of the goods or services provided; or
 - (c) Any change in location.

- 3.12 No person may obstruct a Bylaw Compliance and Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

4. BUSINESS LICENCE APPLICATION PROCESS

- 4.1 Prior to applying for a Home-based Business licence the applicant must eliminate outstanding fines, fees and encumbrances, via payment or compliance, from title.
- 4.2 An application for a Home-based Business licence will be made on a form provided by Cultus Lake Park.
- 4.3 All Leaseholders for the proposed Home-based Business licence property being applied for must provide written consent agreeing to the property being used as Home-based Business licence property.
- 4.4 Submit Home-based Business licence application form, along with all supporting documentation required as noted on the application, to the Cultus Lake Park Office.
- 4.5 When the application is submitted to the Cultus Lake Park office for processing, the applicant will be required to pay a non-refundable application processing fee.
- 4.6 All Home-based Business licence applications will be reviewed and approved or denied by the Board.
- 4.7 The applicant will be notified on the status of the application.
- 4.8 If approved, the applicant will be required to pay the Home-Based Business licence fee.
- 4.9 Once the Home-based Business licence fee has been received, the applicant will receive a Home-based Business licence and Home-based Business licence number.

5. PERMIT RENEWAL PROCESS

- 5.1 Home-Based Business licence renewal forms and invoices will be mailed from the Cultus Lake Park office to the Home-Based Business licensee no later than 30 (thirty) days prior to the expiration date of December 31, of each year.
- 5.2 Upon submission of a renewal for a Home-based Business licence, Park staff will review Park records to determine if there are any concerns with the Business. In considering an application for a Home-based Business licence renewal, the park staff may;
- a) consider whether a Home-based Business licence held by the applicant has been revoked in the preceding two (2) licence periods;
 - b) consider not renewing the Home-based Business licence, if there are Park records that show there were more than three Substantiated reports of any Cultus Lake Bylaw violation occurring at the business.

c) withhold approval of a Home-based Business licence if an applicant and/or lease holder has outstanding unpaid penalties issued under the Bylaw Notice Enforcement Bylaw No. 1140, 2019.

- 5.3** Once the renewal process is complete and the applicant has their new Home-based Business licence, the applicant must ensure they continue to abide by all the conditions for operating a Business as set out in the Bylaw and pay the renewal fee.

6. REVOKING CANCELLATION OR REFUSAL OF BUSINESS LICENCE

- 6.1** Revoking, cancellation or refusal of a Home-based Business licence will be at the sole discretion of the CAO in consultation with the Manager of Visitor Services, Accommodations and Bylaw Enforcement.
- 6.2** Where the application for a Home-based Business licence is refused, or a Home-based Business licence is revoked, notice will be provided to the applicant or licensee who is subject to the decision. The applicant or licensee is entitled to have the Board reconsider the matter.
- 6.2** A notice, under Section 6.2 of this Bylaw, will be issued to the applicant or licensee or delivered by registered mail to the address given by the applicant or licensee on the application for the Home-based Business licence within 14 days.
- 6.3** An applicant or licensee, who wishes to have the Board reconsider the refusal, revocation or cancellation of a Home-based Business licence, will give written notice of the request for reconsideration to the CAO and such notice must include a description of the grounds upon which the request for reconsideration is made. Such request must be made within 28 days of the date on the letter noted in Section 6.3 of this Bylaw. Where the request for reconsideration has not been received within the time period specified, the applicant will have lost the right for reconsideration.
- 6.4** Upon receipt of a written notice under Section 6.4 of this Bylaw, the CAO will respond within 28 days.

7. FEES AND FINES

- 7.1** All leaseholders, residents, visitors, and persons are subject to the fees as outlined in this Schedule A of this Bylaw and the provisions and fines as outlined in Cultus Lake Park Bylaw Notice Enforcement Bylaw No. 1140, 2019 and Schedule A-17 in that Bylaw.
- 7.2** Each occurrence or day that a contravention of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.
- 7.3** See Schedule A for the list of fees.

8. SEVERABILITY

If any part of this Bylaw is for any reason held invalid by a court or competent jurisdiction, the invalid portion will be severed, and the severance will not affect the validity of the remainder.

9. EFFECTIVE DATE

This Bylaw will come into force and effect upon its adoption.

READ A FIRST TIME this 15 day of APRIL, 2020

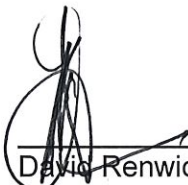
READ A SECOND TIME this 15 day of APRIL, 2020


READ A THIRD TIME this 15 day of APRIL, 2020

RESCINDED THIRD READING on this 30th OF APRIL, 2020

READ A THIRD TIME AS AMENDED on this 30th OF APRIL, 2020

ADOPTED this 30th OF APRIL, 2020



David Renwick, Chair
Cultus Lake Park Board

Joe Lamb,
Acting Chief Administrative Officer

I HEREBY CERTIFY the foregoing to be a true
and correct copy of Cultus Lake Park Home-based
Business Licence Bylaw No. 1175, 2020

Chief Administrative Officer

SCHEDULE A

Fees

Nonrefundable Application fee.....	\$150.00
Home-based Business Licence fee.....	\$200.00
Home-based Business Licence renewal fee.....	\$200.00