



## RESORT MUNICIPALITY OF WHISTLER

### CONSOLIDATED “BUSINESS REGULATION BYLAW NO. 739, 1989”

#### THIS BYLAW IS CONSOLIDATED BY:

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Date Adopted</b>
739	Business Regulation Bylaw No. 739, 1989	April 24, 1989
820	Business Regulation Amendment Bylaw No. 820, 1990	August 27, 1990
834	Business Regulation Amendment Bylaw No. 834, 1991	January 28, 1991
869	Business Regulation Amendment Bylaw No. 869, 1991	June 24, 1991
947	Business Regulation Amendment Bylaw No. 947, 1992	September 14, 1992
1101	Business Regulation Amendment Bylaw No. 1101, 1994	November 30, 1994
1502	Business Regulation Bylaw (Regulations for Commercial Dog Sledding Operators) No. 1502, 2000	February 5, 2001
1616	Resort Municipality of Whistler Business Regulation Amendment Bylaw (Licensed Premises) No. 1616, 2002	November 18, 2002
1645	Business Regulation Amendment Bylaw No. 1645, 2003	July 7, 2003
2043	Business Regulation Amendment Bylaw No. 2043, 2014	April 1, 2014
2056	Business Regulation Amendment Bylaw (Auxiliary Retail) No. 2056, 2015	July 15, 2014

**Individual copies of any of the above bylaws are available from the Resort Municipality of Whistler.**

(Continued on next page...)

This copy of "Business Regulation Bylaw No.739, 1989" has been consolidated and printed by the authority of the Corporate Officer of the Resort Municipality of Whistler pursuant to Section 139 of the *Community Charter* and Bylaw Consolidation and Revision Bylaw No. 1957, 2010.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017

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Laurie-Anne Schimek  
Municipal Clerk

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**RESORT MUNICIPALITY OF WHISTLER**
**CONSOLIDATED BYLAW NO. 739, 1989**
**BUSINESS REGULATION BYLAW**


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**WHEREAS** Council is authorized by Section 526 of the Municipal Act, R.S.B.C. 1979, c.290 to regulate by bylaw the carrying on of business in the Municipality, to the extent not inconsistent with the intent of the Municipal Act or any other Act, for the purpose of protecting the public or preventing or minimizing nuisances and misleading business practices, and the regulations may be different for different classes of business;

**NOW THEREFORE** the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Business Regulation Bylaw No. 739, 1989";
2. No person shall:
  - (a) be entitled to carry on business at two or more premises, or places of business, under one licence;
  - (b) where in a business premises a person carries on business as a vendor of time share interests, carry on any other business whatsoever in the business premises;
  - (c) call at any residence between the hours of 6:00 p.m. and 8:00 a.m. local time for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind unless a previous appointment for such call has been made;
  - (d)
    - (i) sell or offer for sale any goods, or
    - (ii) canvass or solicit business

on a highway, in a parking area where the public is invited to park vehicles, or a public walkway, pedestrian way or plaza unless licenced under the Resort Municipality of Whistler Business Licence Bylaw in respect of the sale, offering for sale, canvassing or soliciting.

3. Notwithstanding section 2(d), selling or offering for sale goods, including the sale and sampling of packaged liquor, is permitted, provided that:
  - (a) the goods and their sale are naturally and customarily incidental and subordinate to an outdoor assembly use approved by the Resort Municipality of Whistler;
  - (b) the sale of goods does not involve canvassing or soliciting, and

- (c) the sale and sampling of packaged liquor is limited to Olympic Plaza and the Upper Village Stroll.
4. (a) Notwithstanding any other bylaw enacted by the Resort Municipality, vendors of time share interests shall display within the sales premises and visible from the entrance to the sales premises a sign that states "TIME SHARE SALES".
- (b) The sign referred to in Subsection 3(a) shall have letters of not less than 150 millimetres in height and not greater than 300 millimetres in height.
5. No person who is in a public place or any place open to the public view may engage in communications in respect of the sale of time share interests and all such solicitations must be conducted wholly within the interior of the business premises.
6. No person shall impound, store, keep, hold or retain any goods, materials, equipment, vehicles or other personal possessions belonging to or owned by a member of the public unless provision has been made for the secure storage of such possessions on premises owned by or controlled by that person or his agent.
- Bylaw 820 7. Notwithstanding any other bylaw enacted by the Resort Municipality, no person, or persons shall carry on business as a blasting contractor, within the Municipality, without first proving insurance for this business activity in the form of a valid and subsisting insurance policy with public liability coverage in an amount no less than one million dollars (\$1,000,000.00).
- Bylaw 834 8. No person(s), being the holder of a valid and subsisting Resort Municipality of Whistler business licence, shall purchase, take in barter, or receive used or second hand goods unless:
- (a) they notify the Chief Constable having jurisdiction within 24 hours after purchasing, taking or receiving those second hand goods by recording the transaction in a register in the prescribed form of Schedule "A" to this Bylaw and subsequent amendments;
- (b) the second hand goods are not altered in form, sold, exchanged or otherwise disposed of within 72 hours after the hour of purchasing, taking or receiving of those goods; and
- (c) the transaction register, in the form of Schedule "A" to this Bylaw and subsequent amendments, is maintained and kept at the licensed business location and is made available for inspection during reasonable hours, and upon demand by a Peace Officer or Business Licence Inspector.
- Bylaw 869 9. No person(s) shall be entitled to carry on business as a "Plumbing Contractor" as licenced under the Resort Municipality of Whistler "Business Licence Bylaw No. 567, 1989" unless that person first provides proof of holding a current Certificate of

Proficiency as a Plumber under the provisions of the Apprenticeship and Tradesman Qualifications Act.

Bylaw  
869

10. Every person licenced as a "General Contractor" under the "Business Licence Bylaw No. 567, 1989" shall on the written request from the Licence Inspector provide the Licence Inspector with a list of all sub-trades engaged on each specific construction contract, on a form prescribed by the Licence Inspector. Failure, neglect or refusal to submit such a list within (14) fourteen days of delivery of each written request shall be an infraction of this Bylaw and render such "General Contractor" liable to the penalties hereby imposed.

Bylaw  
947

11. No persons(s) shall be entitled to carry on business as a "Restaurant" or "Delicatessen" as licensed under the Resort Municipality of Whistler "Business Licence Bylaw No. 567, 1989" unless that person ensures that at least one of the supervisors on duty, or a minimum of one employee on duty, during the times when the establishment is operating be in possession of a certificate issued to that person indicating successful completion of the Food Safe Training and Certificate Program as implemented by the Ministry of Health under their Food Safe Program.

Bylaw  
1101

12. No person shall, in any bar, lounge, cabaret or any other premises in which alcoholic beverages are sold or offered for sale, install or operate any video lottery terminal, electronic bingo, or other electronic gaming device, or any device for the viewing of any sports or racing event in connection with wagering conducted on the same premises on the outcome of the event.

Bylaw  
1616

- a) The Council may, by resolution, impose terms and conditions on business licences for premises licenced under the *Liquor Control and Licensing Act*, dealing with extended hours of operation, the licensed area and person capacity of premises, and the operation of lounges in conjunction with the operation of restaurants.
- b) It shall be a term of every business licence for premises licensed under the *Liquor Control and Licensing Act* for the sale of liquor for consumption on the premises, that no liquor shall be sold or served to patrons between the hours of 2:00 a.m. and 9:00 a.m. except to the extent that the Council authorizes extended business hours for specified dates, either generally or in respect of individual premises specified in the authorizing resolution.
- c)
- (1) Effective January 1, 2003, every business licence for premises licenced under the *Liquor Control and Licensing Act* for the sale of liquor for consumption on the premises shall specify the licensed area and person capacity for which the premises are licenced under this bylaw, and the premises shall be operated accordingly. Unless the Council approves otherwise, on that date the licence shall specify the provincially-approved licensed area and person capacity for the premises on the date of first reading of Resort Municipality of Whistler Business Regulation Amendment Bylaw (Licensed Premises) No. 1616, 2002, based on a true copy of the provincial licence provided to the Municipality for that purpose.

- (2) No operator of a restaurant business, other than a restaurant business in respect of which the province had approved a holding area or designated food-optional area under the *Liquor Control and Licensing Act* on the date of first reading of Resort Municipality of Whistler Business Regulation Amendment Bylaw (Licensed Premises) No. 1616, 2002, shall operate any portion of the restaurant premises as a lounge, unless the Council authorizes the operation of a specified portion of the premises as a lounge. For the purposes of this regulation, a "lounge" is any portion of a restaurant in which alcoholic beverages are served to patrons to whom regulations under the *Liquor Control and Licensing Act* do not require the service of food.
- (3) Effective January 1, 2003, every business licence for a restaurant in respect of which the province had approved a holding area or designated food-optional area under the *Liquor Control and Licensing Act* on the date of first reading of Resort Municipality of Whistler Business Regulation Amendment Bylaw (Licensed Premises) No. 1616, 2002, or in respect of which the Council has adopted a resolution under section (2), shall specify the location and person capacity of the lounge, and the premises shall be operated accordingly. Unless the Council approves otherwise, on that date the licence shall specify the provincially-approved person capacity for the lounge on the date of first reading of Resort Municipality of Whistler Business Regulation Amendment Bylaw (Licensed Premises) No. 1616, 2002, or any lesser person capacity subsequently authorized by provincial regulations, based on a true copy of the provincial licence provided to the Municipality for that purpose.
- (4) Any change in the licensed area or person capacity specified in a business licence is subject to the approval of the Council.
- (5) Under no circumstances shall the specified person capacity of any premises be greater than the occupant load permitted for the premises under the B.C. Building Code and the B.C. Fire Code, as determined by the Fire Chief and the Chief Building Inspector."

13 Every person licensed to carry on a commercial dog sledding or sled dog kenneling business shall:

- a) Ensure that each animal is secured with a tangle free chain at least 5 feet in length, or kept in an enclosure at least 75 square feet in area, when not engaged in sledding operations;
- b) Ensure that each animal has the ability to sit on top of their individual dog shelter while chained as required;
- c) Provide a separate shelter for each dog. A wooden or plastic structure is acceptable. Such shelters must provide sufficient space to allow any animals the ability to turn about freely and easily, stand, sit, stretch and

lie in a normal position. Sufficient insulation must be provided and the shelter must prevent moisture from accumulating. Bedding must be changed regularly to ensure it is clean and dry;

- d) Ensure that all dog shelters are dug out as necessary to maintain position on the surface of snow accumulations;
- e) Maintain a compound enclosed by fencing at least six feet high to contain the animals. Fencing must be dug out as necessary to maintain height relative to the surface of snow accumulations;
- f) Install flood lighting at the site of the enclosure to assist in evening operations and incident intervention;
- g) Ensure daily cleanup and sanitization of the kennel compound including both food waste and animal feces. All animal feces generated by the operation must be processed by a municipally licensed waste disposal provider. A copy of the contract between the kennel operator and the waste disposal company must be provided to the Licensing Inspector upon request;
- h) Provide separate pens for female dogs in heat and female dogs with litters;
- i) Obtain Municipal licensing for all dogs and ensure that all dogs have identification tags or tattoos;
- j) Provide to the Municipality, at the time of business license issuance, the name and telephone number of a contact person who can be contacted 24 hours a day in the event of an emergency at the kennel site or a complaint about the animals, and update this information whenever there is a change in personnel;
- k) Allow the Licensing Inspector, Municipal Animal Control Officer, member of the local RCMP detachment and, if the Licensing Inspector deems it necessary, an officer of the Society for the Prevention of Cruelty to Animals to inspect the kennel facility at reasonable times;
- l) Cease all commercial dog sledding operations until any violation of the foregoing regulations is corrected to the satisfaction of the Licensing Inspector.

Bylaw  
1645

- 14 A person shall not, as part of any business undertaking, use the Carlton Way public access to launch watercraft onto Alta Lake or to retrieve watercraft from Alta Lake, except between 10:30 a.m. and 11:30 a.m. or between 1:15 p.m. and 2:15 p.m.

Bylaw  
1645

15. A person shall not, as part of any business undertaking, use the Carlton Way public access to launch watercraft onto Alta Lake or to retrieve watercraft from Alta Lake

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unless that person ensures that the vehicles by which the watercraft are delivered to the public access enter the area from Lakeside Road and that the vehicles by which the watercraft are delivered or taken from the public access leave the area by Carlton Way.

16. It shall be a condition of every business licence issued under this Bylaw for the production and distribution of marihuana for medical purposes that the licence holder complies with the security and odour control requirements in Division 3 of Part 1 of the Marihuana for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada).
17. Any person contravening any provisions of this Bylaw shall be deemed guilty of an offence punishable under the Offences Act R.S.B.C. 1979, c.305 as amended and liable to a fine not exceeding \$2,000.00 and the costs of prosecution or to imprisonment for not more than six months, or both.
18. If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by the decision of any Court of competent jurisdiction, this decision shall not effect the validity of the remaining portions of this Bylaw.

This copy of "Business Regulation Bylaw No. 739, 1989" has been Consolidated and printed by the authority of the Municipal Clerk of the Resort Municipality of Whistler pursuant to Section 189 of the *Community Charter*.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2017

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Laurie-Anne Schimek  
Municipal Clerk