



RESORT MUNICIPALITY OF WHISTLER

CONSOLIDATED “BUSINESS LICENCE AND REGULATION BYLAW NO. 2253, 2019”

This document has been produced for convenience of reference and is a consolidation of the following Bylaws:

Bylaw No.	Bylaw Name	Date Adopted
2253	Business Licence And Regulation Bylaw No. 2253, 2019	December 17, 2019
2273	Business Licence And Regulation Amendment Bylaw (Partial Discount) No. 2273, 2020	June 23, 2020
2373	Business Licence Amendment Bylaw (Cannabis Retail) No. 2373, 2022	December 6, 2022

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

This copy of “Business Licence And Regulation Bylaw No. 2253, 2019” 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 8th day of February, 2023

THE RESORT MUNICIPALITY OF WHISTLER

BUSINESS LICENCE AND REGULATION BYLAW NO. 2253, 2019

A BYLAW TO PROVIDE FOR THE GRANTING OF BUSINESS LICENCES, TO FIX AND IMPOSE LICENCE FEES AND TO REGULATE CERTAIN BUSINESSES IN THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS the Council of the Resort Municipality of Whistler deems it expedient to provide for business licensing and to regulate the operation of businesses in the Resort Municipality;

AND WHEREAS the Council of the Resort Municipality of Whistler wishes to protect its reputation as a world class destination and resort, and prevent nuisances and misleading business practices in the Resort Municipality;

NOW THEREFORE the Council of the Resort Municipality of Whistler **ENACTS AS FOLLOWS:**

DEFINITIONS

1. In this bylaw:

“*ATM*” means an automatic teller machine or the business of providing an automatic teller machine;

“*activity tour or promotion business*” means the *marketing* or providing of recreational activities;

“*bank*” includes a bank, credit union, trust company or other similar institution that, among other things, accepts deposits, invests money, or lends money;

“*body shop business*” means the *business* of painting or doing bodywork on vehicles;

“*business*” means “business” as defined in the *Community Charter*;

“*bylaw enforcement officer*” means a person appointed from time to time by Council as a Bylaw Enforcement Officer, Parking Enforcement Officer or a person appointed for the purpose of enforcing bylaws in the *Resort Municipality*, or a Royal Canadian Mounted Police officer;

“*Council*” means the Council of the *Resort Municipality*;

“*direct sales*” means *marketing* goods or services to people in their homes, workplaces, or in *public places*, whether door to door, over the phone, on foot, or from a vehicle;

“*escort agency*” means the *business* of providing or furnishing an escort or partner on an intermittent basis for a social occasion or function;

“*fractional interest*” means a one-quarter or less interest in a parcel, which the owner holds as a tenant in common or in the form of ownership points;

“*garage business*” means the *business* of repairing vehicles, but does not include painting or doing bodywork on vehicles;

“*hotel*” has the same meaning as in the *Tourist Accommodation Regulation Bylaw*;

“*hotel business*” has the same meaning as in the *Tourist Accommodation Regulation Bylaw*;

“*licence*” means a valid business licence issued by the *Resort Municipality*;

“*licence inspector*” means the Supervisor of Bylaw Services, the Manager of Protective Services or any other person appointed from time to time by *Council* for the purpose of carrying out the provisions of this bylaw;

“*liquor primary licensed establishment*” means a *premises* at a fixed address and requires a liquor primary licence pursuant to the *Liquor Control and Licensing Act*;

“*market*” means sell, offer for sale, promote, canvass, solicit, rent, advertise, book, arrange or facilitate rental, and includes handing out free samples or commercial flyers, or placing, posting or erecting advertisements physically or online, but does not include the mere provision of a neutral space or location for such marketing in newspapers, bulletin boards or online;

“*occupant load*” means the number of persons permitted in a building or area of a building pursuant to all applicable municipal, building and fire related bylaws and enactments in effect from time-to-time;

“*person*” includes any individual, firm, corporation or formal or informal partnership carrying on a *business*;

“*premises*” means a legal parcel, and may include more than one parcel where the parcels have a single civic address;

“*private outdoor area*” means a privately owned or leased outdoor patio area;

“*public place*” includes a road, highway, park, pedestrian walkway, plaza, or public parking lot, and includes all outdoor areas leased, controlled or operated by Whistler Blackcomb or the Whistler Village Land Company;

“*publication box*” means a rack or box containing published materials for distribution for free or by payment;

“*publishing business*” means the *business* of printing or publishing books, newspapers, magazines, flyers, leaflets, including the publication of materials over the Internet;

“*registered society*” means a not-for-profit society registered and in good standing with the Registrar of Companies under the *Societies Act*;

“*Resort Municipality*” means the corporation of the Resort Municipality of Whistler, or its geographic area;

“restaurant with liquor service” means premises at a fixed address where prepared food, beverages, or both are served to the public for a fee and requires a food primary licence pursuant to the *Liquor Control and Licensing Act* but does not include a *liquor primary licensed establishment*;

“restaurant without liquor service” means premises at a fixed address where prepared food, beverages excluding liquor, or both are served to the public for a fee, but does not include a *liquor primary licensed establishment* or a *restaurant with liquor service*;

“ski lift operation” means a *business* providing chair lifts, towropes, gondolas and similar services for ascending a mountain;

“special event” has the same meaning as in Special Event Bylaw No. 2171, 2019;

“strata development” means a building, group of buildings, or a part of a building, in a strata development governed by a strata corporation under the *Strata Property Act*;

“taxi business” means the provision of a taxi, limousine or similar vehicle with a driver for a fee;

“time share business” means the *marketing* of time share interests or ownership points in property, and, for the purpose of this bylaw, is a distinct *business* from the actual operation of a *hotel* or *tourist accommodation property* that is used in whole or in part by customers/clients of the *time share business*;

“time share premises” has the same meaning as in the *Tourist Accommodation Regulation Bylaw*;

“tourist accommodation business” has the same meaning as in the *Tourist Accommodation Regulation Bylaw*;

“tourist accommodation property” has the same meaning as in the *Tourist Accommodation Regulation Bylaw*;

“Tourist Accommodation Regulation Bylaw” means Resort Municipality of Whistler Tourist Accommodation Regulation Bylaw No. 2142, 2017;

“transportation network services business” means the business of connecting drivers of passenger directed vehicles with passengers who hail and pay for the services through the use of an online platform, where such drivers pick up passengers within the *Resort Municipality*;

“Zoning Bylaw” means Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015.

2. Reference to another bylaw or enactment in this bylaw is a reference to that bylaw or enactment as it may be amended, replaced or in effect from time to time.

BUSINESS LICENCES

Requirements

3. No *person* may carry on any *business* in the *Resort Municipality* without a valid and subsisting *licence* for that class of *business*.
4. A *person* must not carry on any *business* in the *Resort Municipality* except at the *premises* identified in a valid and subsisting *licence* for that *business*.
5. Every *person* who operates a *business* at more than one *premises* must apply for and maintain a separate *licence* in respect of each separate *premises*.
6. Every *person* who operates more than one *business* or class of *business* at a single *premises* must apply for and maintain a separate *licence* in respect of each class of *business* at that *premises*.
7. Every holder of a *licence* must keep a copy of the *licence* posted in a conspicuous place in the *premises*, vehicle, place or structure in respect of which the *business* is carried out or undertaken and for which the *licence* is issued.
8. Every holder of a *licence* for a *tourist accommodation business* shall post their *licence* number in a conspicuous place on any *marketing* for the business.
9. Notwithstanding any other provisions of this bylaw, the holder of a *licence* for a *transportation network services business* may provide such services throughout the *Resort Municipality*, and need not post its *licence*.
10. Notwithstanding any other provisions of this bylaw, the following activities do not require a *licence*:
 - (a) fundraising activities carried on by a *registered society*, provided that the entire proceeds of the activity are provided to that *registered society* or another *registered society*;
 - (b) an educational course or program provided by a community or continuing education facility, or by a school operated pursuant to the *School Act*, including fundraising activities to support such programs; or
 - (c) a garage or yard sale.
11. The issuance of a *licence* shall not be deemed to be a representation by the *Resort Municipality* to the *licence* holder or to anyone else that the *business* complies with all applicable bylaws or other enactments. The *licence* holder shall ensure compliance with all bylaws and other enactments.

Licence Applications

12. Every *person* applying for a new *licence* must, at the time of making the application, pay to the *Resort Municipality* the New Licence Administration Fee specified in Schedule A in addition to the annual fee specified for that *business* in Schedule A and comply with s. 13.

13. Every application for a new *licence* under this bylaw:
- (a) must be made on the form provided by the *licence inspector* for that purpose; and
 - (b) may be required by the *licence inspector* to contain the following information when applicable:
 - (i) the name, address and phone number of the applicant and *business* owner;
 - (ii) the class of *business* as listed in Schedule A to this bylaw;
 - (iii) a brief description of the nature of the *business*;
 - (iv) a description of the *business premises*, including the legal description and civic address;
 - (v) the square footage of the *business premises*, including a copy of a plan of the commercial space when requested;
 - (vi) proof of ownership, a lease or other arrangement permitting the *business* to use the *premises* for the period of the *licence*;
 - (vii) proof of any certification, licence, permit, approval, qualification, or plan that may be required by a federal, provincial or local authority with respect to the *business*, including a solid waste management plan, if required, pursuant to the Resort Municipality of Whistler Solid Waste Bylaw No. 2139, 2017;
 - (viii) reasonable proof of insurance if insurance is required under this bylaw or any other bylaw or enactment;
 - (ix) the type of liquor licence, including any endorsements, issued to the *business* under the *Liquor Control and Licensing Act*;
 - (x) proof of a cannabis retail store licence, including any conditions, issued to the business under the *Cannabis Control and Licensing Act*;
 - (xi) proof of a permit issued to the *business* under the *Food Premises Regulation* under the *Public Health Act*;
 - (xii) where a licence fee is based on *occupant load* or another unit of *business* capacity, the *occupant load* or other description of the *business* capacity; and
 - (xiii) any additional information the *licence inspector* reasonably requests in order to assist in determining whether the applicant may be issued a *licence*.
14. Every *person* applying to renew a *licence* must pay to the *Resort Municipality* the annual fee specified for that *business* in Schedule A and any information the

Added by
bylaw No. 2373

licence inspector reasonably requests in order to assist in determining whether the licence may be renewed on or before January 31 each calendar year.

15. Where a *business* does not clearly fall into a listed class in Schedule A, the *licence inspector* may process the licence application on the basis of the class of business most similar to the applicant's *business*.
16. No *person* shall make any material misrepresentations on the licence application.
17. All *licences* issued under this bylaw shall apply only to the *person* to whom it was issued and no other *person* shall have the right to use such *licence*.

Licence Periods

18. *Licences* issued under this bylaw are valid for the period commencing January 1 and expiring December 31 of each year unless cancelled under this bylaw.
19. Notwithstanding s. 18, a *licence* for a *special event* shall be for no more than 6 consecutive weeks or 42 non-continuous days in a calendar year and shall explicitly state its term of validity.
20. Notwithstanding s. 18, a *hotel business licence* for a *hotel* that is subject to the *Strata Property Act*, except a *hotel business licence* for *time share premises*, shall expire on the earlier of December 31 of each year and the date on which a *hotel business licence* is issued to a new operator for the *hotel business* pursuant to a business licence application accompanied by a resolution passed by a $\frac{3}{4}$ vote under the *Strata Property Act* authorizing the applicant to operate the *hotel business*.

Licence Changes

Added by
bylaw No. 2273

21. If a person applies for a new licence, other than for a special event, after July 1, the applicant shall be entitled to a 50% discount on the annual fee for the year in which the application was made.
22. Every *person* intending to make any of the following changes to a *business* for which the person holds a *licence*:
 - (a) a change to a mailing address of the licence holder for the business;
 - (b) a change to the name of the *business*; or
 - (c) a change to a term or condition on which the *licence* was issued;

must complete and submit to the *licence inspector* a change in licence form, and pay to the *Resort Municipality* the licence change fee stated in Schedule A.

Licence Inspector's Powers and Duties

23. Upon being satisfied that a licence application, renewal, or change meets the requirements for issuance, renewal, or change of a *licence* in this bylaw, the *licence inspector* may issue, renew or change a *licence*.

24. No *licence* shall be granted to a *person* for a *business* unless the *licence inspector* is satisfied on the information available that:
 - (a) the zoning of the *business premises* permits the *business* activity;
 - (b) the owner or operator of the *business* complies with this bylaw and all other bylaws and enactments that are applicable to the *business* and its *premises*; and
 - (c) all licence fees, and any outstanding fees or fines owed to the *Resort Municipality* in relation to the *business*, or any other *business* operated by the same applicant, have been paid.
25. Subject to section 16 of the *Community Charter*, the *licence inspector* or a *bylaw enforcement officer* may enter *business premises* at a reasonable time to inspect and determine whether the regulations and requirements of this bylaw or a licence are being met.
26. At any time, the *licence inspector* may require a licence holder to provide proof of any certification, licence, permit, approval, qualification or plan that may be required by this bylaw, or by a federal, provincial or local authority with respect to the *business*.
27. The *licence inspector* may impose terms and conditions with respect to a *licence* in relation to:
 - (a) the duration of the *licence*;
 - (b) the hours of operation of the *business*;
 - (c) the maximum number of occupants allowed at the *premises*; or
 - (d) any other terms or conditions related to compliance with this bylaw or another applicable bylaw or other enactment.
28. A *licence* issued under this bylaw to a *business* is subject to every term and condition applicable to that *business* stated in the *licence* and this bylaw.
29. The *licence inspector* may refuse, suspend, or cancel a *licence* where the *licence inspector* is satisfied that:
 - (a) the licence holder has failed to ensure compliance with a provision of this bylaw or a term or condition of the *licence* applicable to the *business*; or
 - (b) for other reasonable cause pursuant to the *Community Charter*.
30. The *licence inspector* may impose conditions on a *licence* in relation to the refusal, suspension or cancellation of the *licence*.
31. An applicant or licence holder who wishes *Council* to reconsider the *licence inspector's* decision to refuse, suspend, or cancel a *licence* must, within ten business days of the date of the refusal, suspension or cancellation, deliver to the

Municipal Clerk of the *Resort Municipality* a written request stating the grounds upon which the request is based.

32. The Municipal Clerk must refer a request made under s. 30 to a regular or special *Council* meeting, and notify the applicant or licence holder of the time and place at which *Council* will reconsider the decision of the *licence inspector*.

GENERAL BUSINESS REGULATIONS

33. No licence holder shall contravene, or permit or allow the contravention of, any term of this bylaw in relation to their *business*.
34. No licence holder shall contravene, or permit or allow the contravention of, any term or condition of their *licence*.
35. Every *person* who owns or operates a *business* must comply with all bylaws and enactments applicable to that *business* as a term and condition of their *licence*.
36. No *person* who owns or operates a *business* may cause, allow or permit that *business* to cause a nuisance to other *business* owners, residents, or members of the public.
37. No *person* shall *market* goods or services, or carry on any *business*, in a *public place* without a *licence* for the *business* together with:
- (a) any other applicable permit or approval issued by the Resort Municipality, or
 - (b) a lease from the Whistler Village Land Company,
- authorizing the activity at the times and locations indicated.
38. No *person* shall conduct *business* in a *private outdoor area* unless the *business* is also *licenced* to operate in an adjacent indoor *premises*.

SPECIFIC BUSINESS REGULATIONS

Time Shares

39. As a condition of a *licence* issued in respect of a *time share business*, every *time share business* shall display a sign or signs in a conspicuous place in the premises in respect of which the business is carried out and for which the *licence* is issued that state: "This business premises is licenced to market TIME SHARES by the Resort Municipality of Whistler."
40. The signs referred to in s. 38 must comply with Sign Bylaw No. 558, 1987 and have the word "TIME SHARES" printed in capital letters of not less than 150 millimeters in height, in a colour that contrasts with the background, and be visible to anyone approaching each entrance to the *premises* in which the *time share business* is located. Where a *time share business* is conducted in conjunction with another class of business in a single *premises*, signs must be posted so that they are visible from both outside the *premises* and in the part of the *premises* where the *time share business* is conducted.

41. No *person* shall carry on a *time share business* in the same *premises* as any other *business*, with the exception of an *activity tour or promotion business*.
42. No *person* shall carry on a *time share business* outside of the *premises* for which it has been licenced.
43. No *person* shall *market* time share interests, *fractional interests* or ownership points in property while that person is in a *public place*, or within the common property of a *strata development*.

Dog Sled Operators and Outdoor Kennels

44. Every *person* licenced to carry on a *business* that involves the keeping of dogs outdoors must:
 - (a) ensure that each dog 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 inside the kennel;
 - (b) ensure that each dog has the ability to sit on top of their individual dog shelter while chained as required;
 - (c) provide a separate shelter for each dog that:
 - (i) is made of wood, plastic or similar material;
 - (ii) provides sufficient space to allow each dog the ability to turn about freely and easily, stand, sit, stretch and lie in a normal position; and
 - (iii) provides sufficient insulation for each dog and prevents moisture from accumulating;
 - (d) change the bedding in the dog shelters regularly to ensure it is clean and dry;
 - (e) ensure that all dog shelters are dug out as necessary to maintain position on the surface of snow accumulations;
 - (f) maintain a compound enclosed by fencing at least six feet high to contain the animals;
 - (g) ensure that fencing is dug out as necessary to maintain height relative to the surface of snow accumulations;
 - (h) install flood lighting at the site of the enclosure to assist in evening operations and incident intervention;
 - (i) ensure daily cleanup and sanitization of the kennel compound including both food waste and animal feces;
 - (j) dispose of all animal feces generated by the business through a municipally licenced waste disposal provider and provide a copy of the contract between the operator and the waste disposal company to the *licence inspector* upon request;

- (k) provide separate pens for female dogs in heat and female dogs with litters;
- (l) have a dog licence for each dog from the *Resort Municipality* and ensure that all dogs have identification tags or tattoos;
- (m) provide to the *Resort Municipality*, at the time of *business licence* 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 *business premises* or a complaint about the animals, and update this information whenever there is a change in personnel;
- (n) allow the *licence inspector*, *bylaw enforcement officer* or, if the *licence inspector* deems it necessary, an officer of the Society for the Prevention of Cruelty to Animals to inspect the business at reasonable times; and
- (o) cease all commercial dog sledding or outdoor kennel operations until any violation of the foregoing regulations is corrected to the satisfaction of the *licence inspector*.

Food and Beverage Businesses

45. No person who operates or markets a *liquor primary licensed establishment* or a *restaurant with liquor service* shall:
- (a) advertise or solicit in relation to that business;
 - (b) permit or cause any other person to advertise or solicit in relation to that business,
- in any public place where persons under the age of 19 may be present.

Direct Sales

46. No *person* shall attend at any residence for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind unless a previous appointment for such attendance has been made with a *person* who is expected to be at the residence at the time.

Vehicle Service and Repair

47. *Garage businesses* and body shop businesses must be licenced separately, and must not be conducted in the same *premises*.

Printing and Publishing

48. Every *person* carrying on the *business* of providing *publication boxes* shall, at the time the *person* applies for or renews a *business licence*, provide a list of all *publication boxes* the *person* owns or operates in the *Resort Municipality*, the location of each *publication box* and a description of the materials distributed by the *publication box*.

49. As a condition of a *licence* issued for a *business* that provides *publication boxes*, the licence holder must keep all *publication boxes* in good repair and immediately remove any graffiti.
50. As a condition of a *licence* issued for a *publishing business*, every *business* that publishes and distributes maps of the *Resort Municipality* not endorsed by the *Resort Municipality* must print on the page that contains the map in at least 14-point font the following: "This map is not an official map of Whistler and is not endorsed by the Resort Municipality of Whistler".
51. As a condition of all *licences*, every *person* who permits a *publication box* to be located on its *business premises* must not permit more than four *publication boxes* to be located on the *premises*.
52. Section 50 does not apply to publication boxes that only distribute newspapers that are published at least on a monthly basis.

OFFENCES

53. A *person* who:
 - (a) carries on a *business* without holding a valid *licence* for that *business*;
 - (b) fails to display a valid *licence* as required by this bylaw;
 - (c) fails to provide any documentation or information as required by this bylaw;
 - (d) carries on or remains open for *business* after receiving notice that the *licence* for that *business* has been suspended or cancelled;
 - (e) breaches any term or condition of their a *licence*; or
 - (f) violates any provision of this bylawcommits an offence of this bylaw, and is liable on conviction to a fine or penalty of up to \$10,000 for each offence.

GENERAL

54. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, it shall be severed from the bylaw and the remaining portions shall remain in full force and effect as if the bylaw had been enacted without the invalid portion.
55. Schedules A attached hereto and form part of this bylaw.
56. This bylaw repeals and replaces "Business Licence Bylaw No. 567, 1987", "Business Regulation Bylaw No. 739, 1989", "Vehicles for Hire Regulation Bylaw No. 1494, 2002", and all amending bylaws.
57. This bylaw may be cited as "Business Licence and Regulation Bylaw No. 2253, 2019".

GIVEN FIRST AND SECOND READINGS this 5th day of November, 2019.

NOTICE given under sections 59(2)(a) and (3) of the *Community Charter* on the 7th and 14th days of November, 2019.

GIVEN THIRD READING this 3rd day of December, 2019.

ADOPTED this 17th day of December, 2019.

Mayor, J. Crompton

Municipal Clerk, A. Banman

I HEREBY CERTIFY that this is a true copy of
the "Business Licence and Regulation) No.
2253, 2019".

Municipal Clerk, A. Banman

Schedule A

BUSINESS LICENCE FEES

The following fees must be paid in accordance with this bylaw:

1. New licence administration fee - \$25.00.
2. Change of licence fee - \$10.00.
3. Annual licence fee is \$190.00 unless otherwise set out below, to a maximum annual fee of \$2000.00:

Business Classification	Minimum Fee (Plus Unit Fee if applicable)	Unit Fee
Automatic Teller Machine Company	\$100.00	\$50.00/ATM
Bank	\$350.00	
Dog Sled or Outdoor Kennel Operators	\$500.00	
Escort Agency	\$500.00	
Liquor Primary Licensed Establishment	\$50.00	\$5.00/person based on occupant load
Restaurant with Liquor Service	\$50.00	\$2.00/person based on occupant load
Restaurant without Liquor Service	\$200.00	
Taxi Business	\$200.00	
Transportation Network Services	\$200.00	
Publication Box Provider (does not include publication boxes that only distribute newspapers)	\$200.00	\$25.00/box
Ski Lift Operation	\$200.00	\$85.00/lift
Special Event	\$100.00 per event	\$25.00/vendor, service provider or exhibitor
Campground	\$190.00	\$5.00/site
Hotel Business	\$190.00	\$10.00/guest unit
Tourist Accommodation Business (other than Campground and Hotel Business)	\$190.00	\$25.00/tourist accommodation property
Time Share Business	\$200.00	
Registered Society	No fee	