

The City of West Kelowna

Bylaw No. 0087

A bylaw for the licensing and regulation of businesses

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAWS 0087.01, 0087.02, 0087.03, 0087.04, 0087.05, 0087.06, 0087.07, 0087.08,
0087.09, 0087.10, 0087.11, 0087.12, 0087.13, 0087.14, 0087.15, 0087.16, 0087.17,
0087.18**

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by removing all references to the "District of West Kelowna" and replacing with the "City of West Kelowna"

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by removing all references to "by the District" and replacing with "by the City"

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by removing all references to "to the District" and replacing with "to the City"

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by removing all references to "as per the District's" and replacing with "as per the City's"

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by removing all references to "District" and replacing with "City", including the plural where applicable.

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by removing all references to "Short term accommodation" and replacing with "Short-term rental", including the plural where applicable.

WHEREAS, Council may, pursuant to s. 8(6) of the *Community Charter*, regulate in relation to business;

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

SECTION 1 – INTRODUCTION

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by deleting "District of West Kelowna Business Licensing and Regulations Bylaw 2010 No. 0087" and replacing with "City of West Kelowna Business Licensing and Regulations Bylaw No. 0087, 2010".

1.1 TITLE

This bylaw may be cited for all purposes as "City of West Kelowna Business Licensing and Regulations Bylaw No. 0087, 2010."

Bylaw No. 0087.06, adopted September 29, 2015, amended Bylaw No. 0087 by adding "**Carriage House**" to **1.2 DEFINITIONS**.

Bylaw No. 0087.10, adopted April, 9, 2019, amended Bylaw No. 0087 by adding "**Retail Store, Licensed Cannabis**" to **1.2 DEFINITIONS**.

Bylaw No. 0087.11, adopted July 13, 2021, amended Bylaw No. 0087 by adding "**Hosted**" and "**Local Contact**" to **1.2 DEFINITIONS**.

1.2 DEFINITIONS

In this Bylaw:

“Auctioneer” means a person who conducts auctions for sale of goods by calling for bids and declaring goods sold;

“Body rub” includes the manipulating, touching or stimulating by any means, of a persons body, or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licenced or registered under any statute of the Province of British Columbia governing such activities;

“Body-rub parlour” includes any premises or part thereof where a body rub is performed, offered or solicited;

“Body-painting studio” includes any premises or part thereof where, directly, or indirectly a fee is paid for any activity including the application of paint, tattoo, or similar materials to the body of another person;

“Business” means carrying on 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, but does not include an activity carried on by the government, its agencies or government owned corporations;

“Business Day” means any calendar day, including any holidays, during which a secondhand dealer or pawnbroker is open for business to one or more members of the public;

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by removing the definition for “carriage house” in its entirety.

“Carriage House” [deleted].

“Council” means the Municipal Council of the City of West Kelowna;

“Director” means the Director of Building and Regulatory Services and other persons employed by the City of West Kelowna including the Bylaw Enforcement Officer, Building Inspector, and Licence Inspector, for the purpose of enforcing and carrying out the provisions of this bylaw;

“City” means the City of West Kelowna, or the area governed by it;

“Hosted” means, for a short-term rental, where there is interaction between the operator, or their local contact, and guests during operation. The operator, or local contact, must be available to respond to any nuisance complaints at all times during operation of the short-term rental;

“Inter-Community Business Licence” means a Business Licence issued by a participating municipality that is referenced in City of West Kelowna Inter-Community Business Licence Bylaw No. 0081;

“Junk” means used or old property including scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, waste or scrap metal, or other property commonly found in a junk shop;

“Junk dealer” means a secondhand dealer who carries on the business of dealing in junk, who operates a junk dealer’s premises or who purchases or sells junk;

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Licence”.

“Licence” means a business licence issued by the City to operate a business under this bylaw, and is limited to an initial licence, or a renewal licence;

“Licence Inspector” means a person, or his designate, appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw and includes Building Inspectors and Bylaw Enforcement Officers;

“Local Contact” means, for a short-term rental, a person designated as an alternate host for a short-term rental by the operator. The local contact must be available to respond to any nuisance complaints if the operator is unavailable;

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Marine Category Business”.

“Marine Category Business” means any business including, but not limited to, General Commercial Marine operators, Pile Driving, Boat Tours, Passenger Vessels, Parasailing, Marine Sales, Boat Club Services, Marine Storage & Valet Services and Marine Watercraft Rental Services;

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Marine Launch Licence”.

“Marine Launch Licence” means an annual licence issued by the City to a Marine Category Business allowing launching and loading activities of watercraft at the Gellatly Boat Launch under specific conditions;

“Mobile Restaurants” means a vehicle registered to operate on a highway, which is used in carrying on a business as a mobile restaurant;

“Non-resident Business” means a business, other than a resident business, carried on in the City, or with respect to which any work or service is performed in the City;

“Pawn” means to deposit goods or chattels as security for the payment of money or other consideration;

“Pawnbroker” means a person who carries on a business of taking goods or chattels in pawn;

“Pawner” means a person, firm, or corporation who pawns property to a pawnbroker but does not include a seller as defined in this bylaw;

“Person” includes a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw;

“Picture Identification” means one or more of the following that includes a photograph of the bearer:

- a) valid driver’s Licence issued by a Canadian province or territory;
- b) valid provincial identity card;
- c) valid passport issued by a legitimate government;
- d) certificate of Indian status issued by the Government of Canada;
- e) valid certificate of Canadian Citizenship issued by the Government of Canada; or
- f) valid condition release card issued by Correctional Services Canada;

“Police Force” means the Local Detachment of the Royal Canadian Mounted Police;

“Premises” means a building, portion of a building or an area of land where business is carried on;

“Property” means goods, chattels, wares, merchandise, articles, or things, including motor vehicles and trailers as defined by the Motor Vehicle Act, R.S.B.C. 1966, c.318;

“Purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive, but does not include pawning;

“Register” means the Secondhand Dealers and Pawnbrokers Register referred to in each of Section 9 and where this bylaw stipulates that a secondhand dealer or pawnbroker has an obligation in connection with a register, the reference is to that register which the secondhand dealer or pawnbroker is obliged, under Section 9, to establish and maintain;

Bylaw No. 0087.07, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Registered Society”:

“Registered Society” means a not-for-profit society that is in good standing and registered with the Registrar of Companies under the *Society Act*, Section 2(2);

“Resident Business” means a business carried on, on or from a premises or place located within the City;

“Retail Packaging” includes boxes, plastic wrapping or display casing in which individual goods are commonly displayed for sale by retailers and in respect of articles of clothing means the sales or inventory tag attached to the articles by the retailer with the bar code, store keeping unit or the retailer’s similar identifying characteristics;

“Retail Store” means a use that is a provincially licensed premises where recreational cannabis products, obtained from the BC Liquor and Cannabis Regulation Branch, are offered for sale at retail to the general public, in accordance with applicable provincial and federal regulations and enactments.

“Retailer” means any person who carries on the business of selling goods or commodities to the public;

“Sales Receipt” means the receipt or proof of purchase issued by the retailer to the purchaser at the time of the purchase of retail goods which includes the price, date of sale, name and location of the retailer and description of the goods;

Bylaw No. 0087.02, adopted February 12, 2013, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Secondary Suite”:

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by removing the definition for “secondary suite” in its entirety.

“Secondary Suite” [deleted].

“Secondhand Dealer” or “Dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- a) used clothing, furniture, costume jewellery, foot ware, knickknacks, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- b) used clothing, furniture, costume jewellery, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the *Income Tax Act* (Canada) or by donation; or
- c) used books, papers, magazines, vinyl records, or long playing records (LPs);

“Seller” means a person, firm or corporation who sells or otherwise disposes of property to a secondhand dealer but does not include a pawner as defined in this bylaw;

“Social Escort Service” includes any person carrying on the business of providing or furnishing male or female escorts for social occasions;

“Towing Service” means any person carrying on the business of operating a tow truck;

“Tow Truck” means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion;

“Trade show” means the carrying on of a business to organize a group of more than (5) five merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a period less than (14) fourteen days;

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding to Section 1.2 – Definitions, the following “Watercraft”.

“Watercraft” means any motorized boat, or any other non-motorized craft used or capable of being used for navigation on water.

SECTION 2 – GENERAL REGULATIONS

2.1 No person shall carry on a business within the City without first:

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 2.1 a) in its entirety and replacing with the following 2.1 a):

- a) Paying the fee for a Business Licence as set out within the Fees and Charges Bylaw No. 0028;
 - b) obtaining a City Business Licence; or
 - c) being the holder of a valid inter-community Business Licence.
- 2.2 Any person carrying on more than one business shall obtain and pay for a separate Business Licence for each and every business.
- 2.3 Every person issued a licence to carry on a resident business shall keep the Licence posted in a conspicuous place on the business premises named in the licence.
- 2.4 A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.

Bylaw No. 0087.05, adopted April 14, 2015, amended Bylaw No. 0087 by deleting Section 2.5 in its entirety and replacing with the following Section 2.5:

- 2.5 A license Inspector may grant a business licence when satisfied that the applicant has complied with the requirements of the bylaws of the City and that the proposed business would not be carried out in contravention of the *Criminal Code of Canada* or the *Controlled Drugs and Substances Act*.
- 2.6 A Licence Inspector of the City may, enter at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.

Bylaw No. 0087.16, adopted January 10, 2023, amended Bylaw No. 0087 by deleting Section 2.7 in its entirety and replacing with the following 2.7:

- 2.7 A Licence Inspector may refuse, suspend, or cancel a licence for reasonable cause and upon request, give written reasons for the decision. Reasonable cause for refusal, suspension or cancelling include, but are not limited to, where a Licencee;
- a) has failed to comply with a term or condition of the Licence;
 - b) premises cease to comply with a bylaw regulating building, land use, health, fire, environmental or business issues; or
 - c) is convicted of an offence under an Act or bylaw in respect of the business for which the license has been issued or with respect to the premises names in the Licence.

Bylaw No. 0087.16, adopted January 10, 2023, amended Bylaw No. 0087 by deleting Section 2.8 in its entirety and replacing with the following 2.8:

- 2.8 If an inspector exercises authority to grant, refuse, suspend or cancel a business licence, the applicant or licence holder who is subject to the decision is entitled to have the Council reconsider the matter. The process for Council reconsideration of an Inspector Decision shall be as follows:
- a) Within 14 days of being notified in writing of the decision of Staff under this bylaw, the applicant may, at no charge, request Council to reconsider the decision.
 - b) The applicant must give written notice to the Legislative Services Manager/Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
 - c) The Legislative Services Manager/Corporate Officer will notify the Director of Development Approvals of the request(s) for reconsideration and the Staff will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out the rationale for their decision.
 - d) The Legislative Services Manager/Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
 - e) The Legislative Services Manager/Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
 - f) Council will review the information provided by the applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including Business License conditions.
- 2.9 Any person proposing to obtain a transfer of Licence with respect to a change of premises shall make application to the licence inspector and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 2.10 in its entirety and replacing with the following 2.10:

- 2.10 Any person proposing to obtain a transfer of a Licence shall pay a Licence transfer fee as set out in the Fees and Charges Bylaw No. 0028.
- 2.11 Every holder of a licence shall notify the licence inspector of any change in the mailing and/or business address, the classification of the business, area of premises, or any alteration to the premises in which the business is carried out, and upon termination of the carrying on of business by the Licence Holder, he or she shall notify the licence inspector that the licence is no longer required and shall surrender the licence to the licence inspector.
- 2.12 No person shall offer for sale any goods or merchandise on a highway within the boundaries of the City except as provided elsewhere in this bylaw.

Bylaw No. 0087.02, adopted February 12, 2013, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.13:

Bylaw No. 0087.06, adopted September 29, 2015, deleted Section 2.13 in its entirety and replaced it with the following:

Bylaw No. 0087.16, adopted January 10, 2023, amended Bylaw No. 0087 by deleting Section 2.13 in its entirety.

Bylaw No. 0087.07, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.14:

2.14 Every registered society, having registered under Section 2(2) of the *Society Act*, must obtain and hold a valid business licence.

Bylaw No. 0087.08, adopted June 13, 2017, amended Bylaw No. 0087 by adding to Section 2 – General Regulations, the following 2.15:

2.15 A License Inspector may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a license, including conditions related to:

- (a) Safety and security on and about the licensed premises;
- (b) The protection of minors, including but not limited to conditions regarding signage and patron identification;
- (c) Public health and safety in relation to the licensed premises;
- (d) Prevention of nuisances, including but not limited to conditions intended to reduce noise, odours (including air filtration and ventilation requirements), and patron misconduct on and about the premises; and
- (e) Requirements that, in the opinion of the License Inspector, are necessary to ensure that the licensed business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity of the premises.

Bylaw No. 0087.10, adopted April 9, 2019, amended Bylaw No. 0087 by adding part (f) to Section 2.15:

- (f) Proof of a current, provincially issued license for a Cannabis Retail store.

SECTION 3 - LICENCE FEES AND LICENCE PERIOD

3.1 Except as hereinafter provided, licences shall be granted for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each year.

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting 3.2, 3.3, and 3.4 in their entirety and replacing with the following sections 3.2, 3.3, and 3.4:

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by adding the words “Except for short-term rentals” to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.2, at the beginning.

3.2 Except for short-term rentals, the annual licence fee prescribed in this bylaw shall be reduced by 25%, 50% or 75% in respect of a business that becomes liable to be licenced after the first day of each quarter (April, July and October) in any year.

- 3.3 If a Licencee continues to carry on business within the City and does not renew and pay for its licence prior to January 31st of each year, a late payment fee will be applied as provided for the Fees and Charges Bylaw No. 0028.

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by adding the words "Except for short-term rentals" to Section 3 LICENCE FEES AND LICENCE PERIOD, sentence 3.4, at the beginning.

- 3.4 Except for short-term rentals, a quarterly pro-rated refund shall be available, upon request of the business owner, on any annual licence fee should the Licencee cease to do business during the calendar year. A licence fee shall be refunded in full if the application is withdrawn prior to issuance of the business licence or if issuance of a business licence is refused.
- 3.5 It is incumbent upon a Licence holder to renew such Licence prior to the beginning of each licence year.

SECTION 4 – AUCTIONEERS

- 4.1 Every Auctioneer shall, whenever goods are put into his hands for sale, give a receipt containing an itemized statement of all such goods.
- 4.2 Every Auctioneer shall keep proper books of accounts of the business transacted by him as an Auctioneer, whether in public auction or elsewhere. The books shall record:
- a) the names and addresses of persons entrusting goods to him for resale;
 - b) an itemized list of all such goods; and
 - c) the names and addresses of the persons purchasing any goods from him.
- 4.3 Every Auctioneer shall permit any police officer or a Licence Inspector to inspect the books referred to in the preceding sections, at all times during business hours, and to take extracts therefrom.

SECTION 5 – BODY RUB, BODY-RUB PARLORS AND BODY PAINTING STUDIOS

- 5.1 Every person or individual carrying on the business of or operating a Body-Rub parlour or Body-Painting studio or individual operating the business of performing Body-Rub shall:
- a) supply the Licence Inspector and the Officer In Charge of the Royal Canadian Mounted Police with the name, age, address and description of every individual employed or engaged in the said business;
 - b) notify the Licence Inspector within seventy-two hours of any change in personnel employed or engaged in the said business;
 - c) not employ any person on the licenced premises unless such person is 19 years of age or older;
 - d) not permit any person to be on the licenced premises at any time unless such person is 19 years of age or older.

SECTION 6 - CIRCUSES AND CARNIVALS

- 6.1 No licence shall be issued to any person for the purpose of holding an exhibition, circus or carnival, using ferris wheels, merry go rounds, or other similar rides until such person has filed with the Licence Inspector, evidence of his holding a Comprehensive Liability Policy of insurance for Five Million Dollars (\$5,000,000.00) inclusive limits covering bodily injury, death, and property damage including loss of use thereof. The insurance shall name the City as an additional insured. All rides must be certified under the *Provincial Safety Standards Act*.

SECTION 7 – SOCIAL ESCORT SERVICES

- 7.1 Every person carrying on the business of or operating a Social Escort Service shall:
- a) supply the Licence Inspector and the Officer in Charge of the Royal Canadian Mounted Police with the name, age, address, and description of every individual employed or engaged in the said business;
 - b) notify the Licence Inspector, within seventy-two hours, of any change in personnel employed or engaged in the said business;
 - c) obtain the approval of the Licence Inspector prior to the employment or engagement of any individual in the said business;
 - d) not employ any person in the said business unless such person is 19 years of age or older.

SECTION 8 - MOBILE RESTAURANTS

- 8.1 All mobile restaurants shall be in good mechanical condition and meet all the food handling requirements of the provincial government and shall be in possession of valid permits issued by the provincial government authority having jurisdiction.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting the words 'fifteen (15)' and replacing them with 'thirty (30)' as contained in item 8.2 within Section 8 – Mobile Restaurants.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting the words 'private property' and replacing them with "public lands" as contained in item 8.2 within Section 8 – Mobile Restaurants.

Bylaw 0087.04, adopted February 25, 2014, amended bylaw 0087 by deleting Section 8.2 in its entirety and substituting the following Section 8.2:

Bylaw 0087.12, adopted July 13, 2021, amended bylaw 0087 by deleting Section 8.2 in its entirety and replacing it with the following Section 8.2.

- 8.2 No vehicle used as a mobile restaurant shall park or stop more than is necessary to serve customers, and at no time shall the mobile restaurant remain stopped or parked for longer than four (4) hours at one specific location. When stopped for the serving of customers, the vehicle shall not be located within 100 metres of a restaurant on a parcel of land. When stopped for the serving of customers, the vehicle shall be parked on public lands.

Bylaw 0087.12, adopted July 13, 2021, amended bylaw 0087 by deleting Section 8.3 in its entirety and replacing it with the following Section 8.3.

- 8.3 A Licence Inspector shall not issue any licence for mobile restaurant until the applicant has provided evidence that all vehicles intended for use as mobile restaurants by the applicant are insured under a comprehensive liability policy or insurance for Two Million Dollars (\$2,000,000) with the City named as the additional insured. Coverage under the policy cannot be cancelled, or any provisions changed or deleted unless thirty (30) days prior written notice has been given to the City by the insurer.

Bylaw 0087.03, adopted April 23, 2013, amended bylaw 0087 by deleting Item 8.4 in its entirety as contained in Section 8 – Mobile Restaurants and replacing it with the following:.

- 8.4 Mobile vendors may amplify music while the unit is in motion only.
- 8.5 No goods other than food and beverages shall be sold from a mobile restaurant.

Bylaw 0087.12, adopted July 13, 2021, amended bylaw 0087 by adding Section 8.6.

- 8.6 Notwithstanding Section 8.2, a mobile restaurant is permitted to operate on private lands as secondary or ancillary use and may remain stopped or parked for a period of up to four (4) hours. Mobile restaurants are permitted to operate on private parcels up to a maximum of ten (10) times per year on a single parcel.

Bylaw 0087.12, adopted July 13, 2021, amended bylaw 0087 by adding Section 8.7.

- 8.7 Notwithstanding Section 8.2 and 8.6, a mobile restaurant is permitted to operate on private agricultural lands as a secondary or ancillary use and may remain stopped or parked.

SECTION 9 – SECONDHAND STORES AND PAWNSHOPS

- 9.1 Each secondhand dealer and pawnbroker must establish and maintain a record, to be called the “Secondhand Dealers and Pawnbrokers Register”, of all property, other than recyclable beverage containers, purchased by the dealer or taken in pawn by the pawnbroker.
- 9.2 Each secondhand dealer and pawnbroker, immediately after the purchase or taking in pawn of any property, must set out in the register in the English language, a record of the purchase or pawn in chronological order by date or purchase. The record must include:
- a) the name, residence or street address, of the seller from whom the secondhand dealer or any employee of the dealer, purchased the property, or of the pawner from whom the pawnbroker or any employee of the pawnbroker, took the property in pawn;
 - b) confirmation of the identity of the seller or pawner by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
 - c) a complete description of the property including the make, model and serial number;
 - d) the type of purchase as described in the definition of “purchase”, or the type of acquisition, being a pawn;

- e) the price paid for the property or the amount paid for the property in pawn;
- f) the precise date and hour of purchasing the property or taking the property in pawn;
- g) identifiable or distinguishing marks on the property; and
- h) where the pawnbroker or secondhand dealer has taken in pawn or purchased a new item or an item in its retail packaging, an indication that the item was new or in its retail packaging.

9.3 Each secondhand dealer or pawnbroker must:

- a) maintain the register electronically in a form approved by the Officer in Charge;
- b) record all information in the register electronically;
- c) transmit to the Officer in Charge electronically, to a specified database via the Internet and using a site licence and password provided by the Officer in Charge, information pertaining to the identification of property purchased by the dealer or taken in pawn by the pawnbroker, immediately after the purchase or the pawn occurs;
- d) when requested by a Licence Inspector, print out a hard copy of all electronic and manual information recorded during the course of the day;

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by removing the words "Schedule B" in section 9.3 e) and replacing with the words "Schedule A":

- e) whenever the secondhand dealer or pawnbroker is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register, in the form of Schedule A, attached to this Bylaw, until electronic recording is again available so that no gap in the secondhand dealer or pawnbroker record keeping or reporting will exist.
- f) if the dealer or pawnbroker is unable, for any reason, to record or transmit the entries electronically, once electronic recording and transmitting are again available, immediately transmit to the Officer in Charge, electronic entries for all purchases or pawns made by the dealer or pawnbroker and not previously recorded or transmitted.

9.4 A secondhand dealer or pawnbroker must not amend, obliterate or erase any entry in the register, either wholly or partially or electronically or manually.

9.5 Each secondhand dealer or pawnbroker, during business hours on business days, must make the register available for inspection by the Officer in Charge, any police force member, any person designated by the Officer in Charge, the Director, or any person authorized to inspect on the Director's behalf.

9.6 Each secondhand dealer or pawnbroker must:

- a) keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
- b) keep within the Province of British Columbia, the register for seven years after the date of the last entry; and

- c) if the secondhand dealer or pawnbroker sells, leases, or otherwise disposes of the dealer's or pawnbroker's business to any person, transfer possession of the whole register to such person.
- 9.7 A pawnbroker must not carry on the business of buying or selling or the taking in pawn of any property except at the premises designated in the pawnbroker's Licence.
- 9.8 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day.
- 9.9 A secondhand dealer or pawnbroker must not purchase or take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 9.10 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person under the age of 19 years.
- 9.11 Each secondhand dealer or pawnbroker, on demand by the Officer in Charge or any police force member during business days, must permit the Officer in Charge, any police force member, or any person designated by the Officer in Charge or by a police force member to inspect:
 - a) any property in the secondhand dealer's or pawnbroker's premises;
 - b) the secondhand dealer's or pawnbroker's premises.
- 9.12 Each secondhand dealer or pawnbroker must paint and maintain the secondhand dealer's or pawnbroker's name and address plainly and visibly in English lettering on the front of the secondhand dealer's or pawnbroker's premises and on both sides of any vehicle or vessel used in carrying on the dealer's or pawnbroker's business.
- 9.13 Each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must clearly and individually tag by date of purchase or pawn of the item of property and must maintain the tag on the property until disposed of.
- 9.14 During the applicable period of time set out in sub section 9.15, each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must:
 - a) clearly and individually tag by date of purchase or pawn, and clearly and physically separate from other property in the secondhand dealer's or pawnbroker's premises, the item of property;
 - b) not repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property; and
 - c) not suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property.

- 9.15 Each secondhand dealer or pawnbroker must comply with the requirements of sub section 9.14, with respect to each item of property the dealer or pawnbroker purchases or takes in pawn, for the longer of:
- a) 30 calendar days after the date a secondhand dealer or pawnbroker who maintains an electronic register purchases or takes in pawn the item of the property;
 - b) the number of days of which the Officer in Charge or any police force member advises the secondhand dealer or pawnbroker, which must not exceed 90 days after the date the secondhand dealer or pawnbroker purchases or takes in pawn the property.
- 9.16 If a junk dealer, before expiry of the applicable time period under subsection 9.15 wishes to sell or dispose of any property, the junk dealer may deliver a written request to the Officer in Charge who may waive in writing the dealer's obligation to comply with the applicable time period on such conditions as the Officer in Charge considers advisable.
- 9.17 A secondhand dealer who is also a pawnbroker must clearly and physically separate all property purchased as a secondhand dealer from property taken in pawn and must clearly and individually tag each item of property to indicate date of purchase and whether the dealer purchased such item or took it in pawn.
- 9.18 Every person or individual carrying on the business of a pawnbroker or secondhand dealer shall supply the Director and the Officer in Charge with the full name, date of birth, current address, and description of every individual proposed to be employed prior to their employment, and every individual engaged in the management, or control of the said business.
- 9.19 Every holder of a business Licence for a pawnbroker or secondhand dealer shall notify the Director and Officer in Charge of any changes in the persons engaged in or employed in the said business during the business Licence period by supplying the information listed in subsection 9.18 of this bylaw with respect to those persons.
- 9.20 Each secondhand dealer or pawnbroker must not purchase or take in pawn, hold or sell, any item of property in or with retail packaging unless the seller or pawner provides the dealer or pawnbroker with a sales receipt and the dealer or pawnbroker must retain the sales receipt for a period of one year beyond the date that the property is disposed of.
- 9.21 A person commits an offence by recording or supplying false or misleading information:
- a) in the Register; or
 - b) in any transmission to the specified database under subsection 9.3 c).

SECTION 10 – TOWING SERVICE

- 10.1 No driver of any tow truck who has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
- 10.2 No driver of a tow truck shall offer his or her services at the scene of a motor vehicle accident whether his presence there is by coincidence or otherwise, unless he has been requested to do so by the owner or driver of the motor vehicle involved in that accident, or by an attending Peace Officer including Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police.
- 10.3 Each driver of a tow truck shall keep a daily record of all trips made by him, and such records shall contain the reason for the tow, the date, time, origin and destination of each towing contract, the name and address of the owner of the vehicle being towed, the towing fee charged, and the towed vehicle's licence number, vehicle identification number, make, body type and colour; and shall produce this record to the Officer in Charge of the Royal Canadian Mounted Police or Licence Inspector upon demand.
- 10.4 No driver of a tow truck shall offer his services at any roadside motor vehicle checks conducted by the Royal Canadian Mounted Police whether his presence there is by coincidence or otherwise, unless he has been requested to do so by the owner of the motor vehicle involved in the check, or by an attending Peace Officer including Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police.

SECTION 11 – PASSENGER TRANSPORTATION VEHICLES

- 11.1 No person shall operate, or permit to be operated, in the City of West Kelowna, a commercial passenger vehicle unless such commercial passenger vehicle is duly licenced under the provisions of *the British Columbia Passenger Transportation Act* (Act) and Passenger Transportation Regulation (Regulation).
- 11.2 It is unlawful for any persons to operate a commercial passenger vehicle in the City of West Kelowna without being in possession of a valid and subsisting business licence issued pursuant to the City of West Kelowna Business Licence Bylaw.

Bylaw No. 0087.11, adopted July 13, 2021, amended Bylaw No. 0087 by adding the following as SECTION 12 and renumbering the remaining sections appropriately.

SECTION 12 – SHORT-TERM RENTALS

Bylaw No. 0087.13, adopted August 24, 2021, amended Bylaw No. 0087 by deleting Section 12.1 in its entirety and replacing it with the following Section 12.1.

Bylaw No. 0087.14, adopted November 9, 2021, amended Bylaw No. 0087 by deleting Section 12.1 in its entirety and replacing it with the following Section 12.1.

- 12.1 A person must not carry on business as an operator of a short-term rental unless the person holds a valid business license issued under the provisions of this Bylaw.

Bylaw No. 0087.15, adopted September 20, 2022, amended Bylaw No. 0087 by deleting Section 12.2 in its entirety and replacing it with the following Section 12.2

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by deleting Section 12.2 in its entirety and replacing it with the following Section 12.2

12.2 Short-term Rental Applications

Without limiting Section 12.1, a person applying for a licence to operate a short-term rental must, in addition to meeting the requirements of the City's Zoning Bylaw:

- (a) Submit in the form satisfactory to the Licence Inspector, the City of West Kelowna's Short-term Rental Business Licence Application Form, which specifies the application requirements including:
 - i. Title Certificate;
 - ii. Owner authorization Form (if applicable);
 - iii. Strata Consent Form (if applicable), which:
 - (a) When the Short-term rental is located within a Strata, confirms that the Short-Term Rental use of the dwelling does not contradict any bylaws of the strata corporation or applicable provisions of the *Strata Property Act*;
 - iv. Good Neighbour Agreement;
 - v. Local Contact Information, which includes:
 - (a) Name and contact information for a local contact who is designated by the operator as an alternate host for the short-term rental;
 - vi. Parking Plan, which includes:
 - (a) A site plan illustrating required parking locations and sizes on the property;
 - vii. Fire Safety Plan, which includes:
 - (a) A floor plan of the entire short-term rental unit; and
 - (b) A fire evacuation plan which includes a floor plan specific to each bedroom,
where each plan must identify the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each bedroom and the location of any sofa beds; and be posted in all bedrooms and fire exits;
 - viii. Evidence that the operator is a principal resident, which includes:
 - (a) Any applicable Provincial Short-Term Rental Registration Number; or
 - (b) A minimum of two (2) documents from the specified list on the application form, in the operator's name.

ix. Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

(b) Following submission of the application, schedule a safety inspection with the Licence Inspector to ensure compliance with the British Columbia Building Code, British Columbia Fire Code and City Bylaws. The inspection must be completed and the property must be compliant prior to issuance of the short-term rental business license."

Bylaw No. 0087.17, adopted April 9, 2024, amended Bylaw No. 0087 by deleting Sections 12.3, 12.4, 12.5, 12.6, 12.7 in their entirety and replacing them with the following Sections 12.3, 12.4.

12.3 The operator of a short-term rental must:

- (a) Ensure a short-term rental has a valid business licence;
- (b) Display the short-term rental Business Licence inside the entry way of the dwelling;
- (c) Display in each approved bedroom, and in the entryway of the short-term rental, a Fire Safety Plan;
- (d) Except for Short-Term Rental (Bed and Breakfast), ensure that no more than one booking is permitted at any one time for a short-term rental; and
- (e) Ensure that any marketing or listing for the short-term rental includes the short-term rental Business License number, and any applicable Provincial Short-Term Rental Registration Number.

12.4 The operator of a short-term rental must not:

- (a) Rent out any bedrooms or provide any sleeping accommodation within any vehicle, recreational vehicle, tent or accessory building; and
- (b) Allow any rooms that are not approved and identified on the licence application to be used as bedrooms in the short-term rental.

12.5 [deleted].

12.6 [deleted].

12.7 [deleted].

12.8 Notwithstanding Section 3.2 of this bylaw, the annual licence fee for a short-term rental shall not be reduced based on the date of application.

12.9 Notwithstanding Section 3.4 of this bylaw, no quarterly refund shall be available for short-term rental licences should the operation cease during the calendar year.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following new section: "SECTION 13 – MARINE LAUNCH LICENCE" after Section 12 and renumbering the remaining sections.

SECTION 13 – MARINE LAUNCH LICENCE

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.1.

13.1 A "**Marine Category Business**" must not carry on any launching or loading of "**watercraft**" or picking up commercial passengers, and dropping off commercial passengers, at Gellatly Boat Launch, located at 4095 Gellatly Rd, unless the

Business holds a valid “**Marine Launch License**” issued under the provisions of this Bylaw.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.2.

- 13.2 A Marine Launch Licensee shall:
- (a) Hold a valid Business Licence under the provisions of the City of West Kelowna Business Licence and Regulation Bylaw no. 0087 as amended from time to time, and be in compliance with all other City Bylaws.
 - (b) Use the license area for the purpose of launching boats or other watercraft, retrieving boats or other watercraft, picking up commercial passengers, and dropping off commercial passengers, and for no other purpose unless authorized by the City in writing under further “Licenced Activities”
 - (c) Allow the City the right to limit access across the lands as may be required for City purposes.
 - (d) Maintain the licence area in a tidy condition at all times, remove all garbage debris associated with business activities.
 - (e) Arrange an off-site method of executing rental agreements, performing inspections, and while performing any watercraft orientations, refueling or maintenance. These activities are not permitted within the lands and license area.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.3.

- 13.3 A Marine Launch Licensee shall not:
- (a) Permit any commercial activity to take place on the lands or licenced area other than activities as outlined herein. Licensee shall not store any equipment, vehicles or possessions on the lands or license area and furthermore shall not block access to the lands or license area.
 - (b) Take priority access of the lands or license area over members of the public. When a licensee enters the license area, they must enter the queue like all other members of the public.
 - (c) Sell tickets, solicit business or advertise on City property or the Marine License Area.
 - (d) Occupy the License Area for longer than the time reasonably required to complete the Licenced Activities, and in no case any longer than **15 minutes per watercraft launch.**

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.4.

- 13.4 The Licence is subject to immediate cancellation if the Licensee does not comply with the usage terms and/or conditions of the Licence.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.5.

- 13.5 Licence fees to be assigned as per the Fees and Charges Bylaw No.0028 (as amended from time to time).

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.6.

- 13.6 Should the licence be terminated, cancelled or revoked by the City for any reason, the City will not refund licence fees to the licensee.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.7.

13.7 Insurance

- (a) The Licensee shall obtain and maintain annual Insurance policies on the terms and in the amounts set out in Section 13 of this Bylaw.
- (b) The Licensee shall, throughout the Term, secure, maintain, and pay for general liability insurance protecting the City and the Licensee (without any rights of cross-claim or subrogation against the City) in the amount of \$5,000,000.00 per occurrence, all inclusive, and the insurance policy shall:
 - i. Name the City as an additional insured;
 - ii. Be maintained for a period ending twelve(12) months after this Agreement is terminated.
 - iii. State that the policy cannot be cancelled, lapsed, or materially changed without thirty (30) days written notice to the City.
 - iv. Be issued by a responsible insurance company licensed to do business in West Kelowna, British Columbia and who meets the reasonable approval of the City.

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.8.

13.8 'Licence Area'

The Gellatly Bay Boat Launch 'License Area' is legally identified as follows:

Civic Address: 4095 Gellatly Rd.

And indicated in shading on the attached map under Schedule B.

SECTION 14 – OFFENCES AND PENALTIES

Bylaw No. 0087.14, adopted November 9, 2021, amended Bylaw No. 0087 by deleting Section 13.1 in its entirety and replacing it with the following Section 13.1.

- 14.1 Any person who violates any provision of this bylaw, or who causes, suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, shall be liable on summary conviction to a fine not exceeding Fifty Thousand Dollars (\$50,000).

Bylaw 0087.09, adopted October 10, 2017, amended bylaw 0087 by adding item 12.2 to Section 12 – Offences and Penalties:

- 14.2 Any person who breaches, or who causes or allows to be violated or breached, any of the provisions of this Bylaw shall be guilty of an offence against this Bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.

SECTION 15 - SEVERABILITY

- 15.1 If any section, subsection, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section, subsection, clause, sub-clause of phrase

shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

PASSED FIRST READING, NOVEMBER 23, 2010
PASSED SECOND READING, NOVEMBER 23, 2010
PASSED THIRD READING, NOVEMBER 23, 2010
ADOPTED, JANUARY 11, 2011

Mayor

City Clerk

Bylaw No. 0087.01, adopted October 25, 2011, amended Bylaw No. 0087 by deleting Schedule A (reference to Fees) in its entirety and re-naming Schedule B (Second Hand and Pawnbroker Dealer's Report) as Schedule A.

SCHEDULE A

SECOND HAND & PAWNBROKER DEALERS' REPORT

To: OIC RCMP Det.,
350 Doyle Ave.,
Kelowna, B.C.

Date 20 10:00 a.m.

I hereby certify that the following is a correct copy of the entries in my book of all articles received during the twenty-four hours immediately preceding the hour of date of this

Report of:
Signature:
Date:

IDENTITY No.	TIME RECEIVED		DESCRIPTION OF ARTICLE (ONE ITEM PER ENTRY)	DATE OF BIRTH	PERSON SELLING ARTICLE OR PAVING ARTICLE		SIGNATURE	DATE RETURNED
	A.M.	P.M.			SURNAME (PRINT)	GIVEN NAME		
	AMOUNT PAID		MODEL OR OTHER INFORMATION	DRIVERS LICENSE OR PROVINCIAL IDENTIFICATION NO.	POLICE REMARKS AND OTHER INFORMATION	VEHICLE DESCRIPTION:		OR DATE SOLD
	PAWN <input type="checkbox"/>							
	PURCHASE <input type="checkbox"/>							
	AMOUNT PAID		MODEL OR OTHER INFORMATION	DRIVERS LICENSE OR PROVINCIAL IDENTIFICATION NO.	POLICE REMARKS AND OTHER INFORMATION	VEHICLE DESCRIPTION:		OR DATE SOLD
	PAWN <input type="checkbox"/>							
	PURCHASE <input type="checkbox"/>							
	AMOUNT PAID		MODEL OR OTHER INFORMATION	DRIVERS LICENSE OR PROVINCIAL IDENTIFICATION NO.	POLICE REMARKS AND OTHER INFORMATION	VEHICLE DESCRIPTION:		OR DATE SOLD
	PAWN <input type="checkbox"/>							
	PURCHASE <input type="checkbox"/>							
	AMOUNT PAID		MODEL OR OTHER INFORMATION	DRIVERS LICENSE OR PROVINCIAL IDENTIFICATION NO.	POLICE REMARKS AND OTHER INFORMATION	VEHICLE DESCRIPTION:		OR DATE SOLD
	PAWN <input type="checkbox"/>							
	PURCHASE <input type="checkbox"/>							

Bylaw No. 0087.18, adopted March 24, 2026, amended Bylaw No. 0087 by adding the following subsection 13.8 and Schedule B map.

