THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1239

A bylaw for licensing and regulation of businesses.

The Council of the Corporation of the Village of Cumberland, in an open meeting assembled, enacts as follows:

Division 1 – Citation and Scope

1.1 This Bylaw shall be cited as the "Business Licensing and Regulation Bylaw No. 1239, 2025".

1.2 In accordance with section 8 (6) of the Community Charter, municipal councils are granted the authority to establish bylaws for the purpose of regulating in relation to businesses. The purpose of the Business Licensing and Regulation Bylaw is to establish a framework for granting business licenses, imposing license fees, and regulating different classes of businesses. This bylaw is designed to ensure that all businesses operate lawfully and in compliance with standards, codes or rules established by the Village.

Division 2 – Interpretation and Definitions

2.1 Except as otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the Community Charter, Local Government Act, Interpretation Act and Zoning Bylaw as the context and circumstances may require.

2.2 Any reference to a statue refers to a statute of British Columbia unless otherwise indicated, any reference to a bylaw refers to a bylaw of the Village of Cumberland unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

2.3 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

2.4 **Definitions:**

In this Bylaw,

"Applicant" means any individual who makes an application for any licence under the provisions of this Bylaw;

"**Business**" means 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 any government, its agencies, or government-owned corporations.

"Business Licence" means a valid business licence or a temporary business licence issued under this Bylaw;

"Bylaw Officer" means any person employed or contracted by the Village as a Bylaw Officer or an individual responsible for enforcing the bylaws of the Village, and members of the Police Force;

"Cannabis" has the same meaning as in the *Cannabis Control and Licensing Act*; and includes any products containing cannabis;

"Cannabis Production Facility" means the Use of a Lot for growing and cultivating Cannabis, including the related activities of wet trimming, drying, and bulk packing of Cannabis grown on the Lot, but does not include: (1) Cannabis Retail; or (2) the propagation, cultivation, or harvesting of Cannabis in a manner authorized by Part 5, Division 2 of the Cannabis Control and Licensing Act, S.B.C. 2018, c. 29

"Cannabis Retail" 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.

"Council" means the municipal Council of the Village of Cumberland;

"Inter-Community Business Licence" means a Business Licence issued by a participating municipality that is referenced in the Inter-Community Business Licence Bylaw 2013 No. 995;

"Licence Inspector" means a person employed or contracted by the Village to administer, enforce and carry out the provisions of this bylaw;

"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;

"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;

"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;

"**Short-Term Rental"** means a rental provided within a residential dwelling unit by a principal resident operator in exchange for a fee for a period of less than 90 consecutive days. The rental must comply with the Short-term Rental Accommodations Act and includes vacation rentals as defined in the Village of Cumberland Zoning Bylaw;

"Temporary Business Licence" means a licence issued to a business in accordance with section 3.3.2 of this Bylaw;

"Village" means the Corporation of the Village of Cumberland, or the area governed by it.

Division 3 – General Regulations

3.1 BUSINESS LICENCE REQUIREMENT

3.1.1 No person shall carry on a business in the Village of Cumberland without first:

a) paying the required fees for a Business Licence set out in Fees Bylaw No. 1110, 2019 and
b) obtaining a Village Business Licence; or
c) being the holder of a valid Inter-Community Business Licence.

3.1.2 Any person carrying on more than one business shall obtain and pay for a separate Business Licence for each and every business.

3.1.3 Every person issued a licence to carry on a business shall keep the Business Licence posted in a conspicuous place on the business premises named in the licence.

3.1.4 Only the person named in the Business Licence is authorized to carry on only the business described in the Business Licence, and only at the premises or locations described in the Business Licence.

3.1.5 Every person, who carries on a business in the Village, must comply with all bylaws of the Village and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such business.

3.2 BUSINESS LICENCE APPLICATION

3.2.1 An application for a Business Licence must be completed and submitted in a form satisfactory to the Village.

3.2.2 Every application for a business licence must:

a) be signed or submitted by an owner or operator of the business or an agent authorized in writing by an owner or operator;
b) contain a true and accurate description of the following:
c) the nature of the business;
d) the business premises, including civic address or specific location if there is no civic address; and
e) any other information the Licence Inspector may require with respect to the business activities, operation, location, business premises, owners, or related matters;
f) include such documentation as may be required by the Licence Inspector in support of the business licence application, and the business licence application shall not be considered complete until the Licence Inspector has received the above to the Licence Inspector's satisfaction;
g) be accompanied by the Application Fee for the applicable business tier set out in the Fees Bylaw.

3.2.3 Incomplete applications shall be deemed to be abandoned after three months from the date of submission.

3.3 BUSINESS LICENCE ISSUANCE AND REFUSAL

3.3.1 The Licence Inspector is authorized to grant a Business Licence to an applicant if the Licence Inspector determines that:

a) the business is a permitted use under the Zoning Bylaw for the business premises;
b) no further information or documentation is required to complete the business licence application; and
c) no additional inspection of the business premises is required; and
d) the applicant has paid the Yearly Licence Fee for the applicable business tier as determined by the Licence Inspector and set out in the Fees Bylaw, except for a business licence granted after June 30 in the calendar year where the applicant must pay the Half-Year Licence Fee.

3.3.2 The Licence Inspector is authorized to grant a Temporary Business Licence if:

a) the business use is permitted under the Zoning Bylaw for the specified premises;

b) further information, documentation, or inspection is required, but the applicant has demonstrated that the business can operate safely during the licence's validity despite these outstanding requirements; and
c) the applicant has paid the Yearly Licence Fee for the applicable business tier as determine by the Licence Inspector and set out in the Fees Bylaw, except for a business licence granted after June 30 in the calendar year where the applicant must pay the Half-Year Licence Fee.

3.3.3 The holder of a Temporary Business Licence must:

a) comply with all specified terms and conditions; and
b) cease operations upon expiry or cancellation of the licence.

3.3.4 A Business Licence must specify:

a) the expiry date; and
b) any terms and conditions applicable during the licence's validity.

APPLICATION REFUSAL

3.3.5 A Licence Inspector is authorized to refuse a Business Licence application for reasonable cause and upon request, give written reasons for the decision.

3.3.6 Reasonable cause for refusal of an application, include, but is not limited to, where

a) a person has failed to comply with a term or condition of this Bylaw and/or the Business Licence;
b) premises cease to comply with a bylaw regulating building, land use, health, fire, environmental or business issues; or
c) a person 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 or names in the Licence.

BUSINESS LICENCE SUSPENSION AND CANCELLATION

3.3.7 A Licence Inspector is authorized to suspend or cancel a business licence for a reasonable cause as set out in section 3.3.6.
3.3.8 Before suspending or cancelling a business licence, a Licence Inspector must give the licence holder notice of the proposed action and an opportunity to be heard by the Council.

RECONSIDERATION OF DECISION

3.3.9 The applicant or licence holder who is subject to a decision of Licence Inspector to grant, refuse, suspend or cancel a business licence is entitled to have the Council reconsider the matter.

3.3.10 The process for Council reconsideration of a Licence Inspector decision shall be as follows:

a) Within 30 days of being notified in writing of the decision of a Licence Inspector under this bylaw, the applicant may, at no charge, request that Council reconsider the decision.
b) The applicant must give written notice to the 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 Corporate Officer will notify the Licence Inspector of the request(s) for reconsideration and the Licence Inspector 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 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 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 the Licence Inspector, and either confirm the decision made by the Licence Inspector, or substitute its own decision that may include Business License conditions.

3.4 LICENCE PERIOD AND RENEWAL

3.4.1 The licence period shall be from January 1st to December 31st of each year and every licence shall automatically expire on December 31st, unless otherwise specified in this Bylaw or on the Business Licence.

3.4.2 The licence period for a licence for entertainment or exhibition shall be one day.

3.4.3 Every licensee must renew a business licence prior to the expiry of such business licence by paying the Yearly Licence Fee for the applicable business tier as determined by the Licence Inspector and set out in the Fees Bylaw.

3.4.4 If a Licensee continues to carry on business within the Village and does not renew and pay the Yearly Licence Fee prior to December 31st of each year, the licensee must pay the Late Payment Fee set out in the Fees Bylaw by ~~January 31st~~ (Bylaw 1262) March 31st to renew the licence otherwise the licence will be deemed expired and a new application is required.

3.4.5 Where a notice is required to be given to an applicant or licensee, as the case may be, under any of the provisions of this bylaw, such notice shall be deemed to be satisfactorily given if delivered by hand to such applicant or licensee or sent by registered mail to the applicant or licensee at the address shown on their application.

3.4.6 A Yearly Licence Fee paid pursuant to this Bylaw and the Fees Bylaw is non-refundable.

3.4.7 No refunds or prorated fees will be issued for the cancellation of a Temporary Business Licence under this Bylaw, regardless of the date of cancellation.

3.5 LICENCE CHANGES AND TRANSFERS

3.5.1 The licensee must inform the Licence Inspector of any changes to the licensee's mailing or business address, business classification, the area of the premises, or any modifications made to the premises where the business is conducted. If the licensee ceases to operate the business, the licensee must notify the licence inspector that the licence is no longer needed.

3.5.2 A licensee seeking to transfer a Business Licence due to a change in premises must submit a new application for a business licence to the Licence Inspector. The same powers, conditions, requirements, and procedures that apply to a new licence application will apply to the transfer.

3.5.3 A Business Licence issued under this bylaw shall be deemed to be a personal licence to the licensee and shall not be transferable to any other person, business or corporation.

Division 4 – Specific Regulations

4.1 CANNABIS PRODUCTION FACILITY

4.1.1 Every person who is authorized to produce Cannabis for commercial purposes under the *Cannabis Act* (Canada) must at the time of business licence application, submit proof of security clearance by way of a criminal record check, conducted by a police force, for

a) all persons named in the licence issued under the Cannabis Act (Canada), and
b) all staff employed at the Cannabis Production Facility at time of business licence application or renewal.

4.1.2 Every owner and operator of a Cannabis Production Facility must permit persons acting on behalf of the Village for the purpose of enforcement and the Royal Canadian Mounted Police to conduct inspections and unscheduled visits, at any time, during operating hours**.**

4.2 CANNABIS RETAIL

4.2.1 A Cannabis Retail store must be provincially licensed by the Liquor and Cannabis Regulation Branch and comply with the *Cannabis Distribution Act*.

4.3 CIRCUSES AND CARNIVALS

4.3.1 No Business 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 holding a Comprehensive Liability Policy of insurance for Two Million Dollars ($2,000,000.00) inclusive limits covering bodily injury, death, and property damage including loss of use thereof. The insurance shall name the Village as an additional insured. All rides must be certified under the *Provincial Safety Standards Act*.

4.4 MOBILE VENDING

4.4.1 Requirements for mobile vending: A person carrying on a Mobile Vending operation must:

a) Prepare a waste discharge plan that outlines how all waste streams generated by the operation are disposed of; including but not limited to grey water, grease, oils, fats, garbage, recyclables and patron waste;
b) Provide appropriate waste containers for patron use, in alignment with the waste discharge plan;
c) Provide a site plan which demonstrates the location of the mobile vending unit, location of patron waste containers, and compliance with siting and distance to food primary establishments, as required by the Zoning Bylaw;
d) Provide proof of motor vehicle insurance, as applicable;
e) Provide proof of BC Safety Authority approval and valid Health Approval from the local Health Authority, as applicable;
f) Provide a Letter of Authorization from private property owner, if sited on private property;
g) Provide photographs of the mobile vending unit;
h) Limit the size of the mobile unit to a maximum overall length of 9.0m and a maximum width of 2.5m;
i) Ensure the operation and any queue lines do not restrict the flow of pedestrian or vehicle traffic; and,
j) Limit the hours of operation to no more than four hours per 24 hour period in any zone in the Zoning Bylaw that does not permit retail sales as a principal use.

4.4.2 A Licence Inspector shall not issue any licence for any mobile vending on municipal property until the applicant has provided evidence that all vehicles intended for use 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.

4.4.3 No goods other than food and beverages shall be sold from a mobile vendor.

4.5 SHORT-TERM RENTAL

4.5.1 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 and is in compliance with the Short-Term Rental Accommodations Act, SBC 2023.

4.5.2 A person applying for a licence to operate a Short-Term Rental, in addition to meeting the requirements of the Village's Zoning Bylaw must:

a) display a valid Village of Cumberland business licence number in all advertisements or listings related to the Short-Term Rental and any applicable Provincial Short-Term Rental Registration Number;
b) display an outdoor sign on the premises identifying the name and a phone number of the person managing the rental.;

4.5.3 At the time of renewal of a short-term rental business licence a person must confirm compliance with the terms of the business licence the Village's Zoning Bylaw and the Short-Term Rental Accommodations Act, SBC 2023 by submitting the information required in the initial application at each renewal.

Division 5 – Enforcement and Inspection

5.1 The Licence Inspector or Bylaw Officer, in accordance with Section 16 of the Community Charter, may enter into or upon any property subject to this Bylaw in order to inspect and determine whether all regulations, prohibitions, and requirements are being met.

5.2 The Village may request a warrant from a justice to authorize a designated person to enter a property and perform necessary inspections or actions in alignment with the Village's powers, duties, or functions under the Community Charter (section 275).

5.3 No person shall interfere with, or attempt to obstruct the Licence Inspector or Bylaw Officer, who is conducting an inspection or enforcement action in relation to this Bylaw.

5.4 No person shall provide false or misleading information to a Licence Inspector or Bylaw Officer.

Division 6 - Offences and Penalties

6.1 Any person who contravenes any provision of this bylaw is guilty of an offence and may be subject to one or more of the following enforcement measures:

(a) Fines or penalties as provided for by law.
(b) Orders or other appropriate directives.
(c) Prosecution of offenders in accordance with applicable laws.

6.2 The minimum penalty for a contravention of this Bylaw under the Offence Act is a fine of $5,000.

6.3 The maximum fine that may be imposed for a contravention of this Bylaw is $50,000.

6.4 Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.

6.5 Any penalty imposed pursuant to this Bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed pursuant to this Bylaw, along with any other applicable statute, law, or legislation.

Division 7 - General

7.1 Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to the enforcement of this Bylaw, shall be interpreted as giving rise to a cause of action in favour of any person.

7.2 "Corporation of the Village of Cumberland Business Licence Bylaw No. 896, 2009" and all amendments thereto, are hereby repealed.

READ A FIRST TIME THIS	**10TH**	**DAY OF**	**NOVEMBER**	**2025.**
READ A SECOND TIME THIS	**10TH**	**DAY OF**	**NOVEMBER**	**2025.**
READ A THIRD TIME THIS	**10TH**	**DAY OF**	**NOVEMBER**	**2025.**
ADOPTED THIS	**24TH**	**DAY OF**	**NOVEMBER**	**2025.**

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Mayor Corporate Officer