

Business License Bylaw No. 496

**Being a bylaw to provide for the licensing of businesses
being carried on within the Village of Port Alice.**

WHEREAS the Community Charter provides that Bylaws may be passed by Municipal Councils for the licensing and regulating of businesses in a municipality;

AND WHEREAS the Council for the Village of Port Alice deems it necessary to have a record of all businesses operating within the municipality;

NOW THEREFORE the Council of the Village of Port Alice, in open meeting assembled enacts as follows:

1. Requirement for Business License

- (a) Subject to the Community Charter, no owner or operator of a business in the Village of Port Alice (hereinafter referred to as the "Village") shall carry on that business without first obtaining for it a valid and subsisting license issued under this bylaw for each distinct business carried on.
- (b) No license is required for non-resident businesses selling to resident licensed businesses that offer for sale, within the Village, the product purchased from the non-resident business.
- (c) No license is required by service clubs, non-profit or recreational organizations, or by local students selling goods, wares or merchandise in conjunction with special events or fundraisers, or by canvassers collecting for a registered non-profit organization.

2. Classification of Business

Businesses in the Village are hereby classified according to the divisions and extent of business set out in Schedule "A" to this bylaw.

3. License Fee

- (a) The owner or operator of a business in the Village shall pay to the Village the applicable license fee prescribed in Schedule "A" (Schedule "A-1" for the year 2004 only) for that business upon making application to the Village for the business license, in a prescribed form obtained from the Village.
- (b) Where the license fee is calculated according to
 - i) number of people regularly employed (either full-time or part-time), or
 - ii) number of rental units maintainedin the business, the licensee shall notify the Village of any change regarding those matters, and as a result of the change, shall pay any additional fees required.
- (c) No license fee paid under this bylaw shall be refundable.

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- (d) Where more than one distinct business is carried out at the same business premises, then a separate fee for each business shall be payable.
- (e) No license shall be issued to an applicant for a business until the fee prescribed in Schedule "A" for that business has been paid to the Village.
- (f) A license is not valid in the Village until the license fee prescribed in Schedule "A" has been paid and issued.
- (g) If a person begins to carry on a business after the 31st day of July in any year, the annual license fee prescribed in Schedule "A" for that business shall be reduced by one-half.
- (h) If a person is operating a business prior to the 31st day of July in any year, and fails to apply for a license until after the 31st day of July in that year, they shall be liable for the full fees prescribed in Schedule "A" for that business.

4. Term of License

Licenses required by this bylaw are issued for the current calendar year expiring on the 31st day of December. Renewal notices for the current year shall be issued in January of each year, and shall be payable in full no later than the end of February.

Exception to the term of license shall be for the year 2004 when renewal notices for the period 1 May to 31 December, 2004 shall be issued in April, payable in full no later than the end of May.

5. Transfer of License

- (a) No person holding a business license issued under this bylaw shall change their place of business without obtaining first a transfer of said license.
- (b) Transfer of a business license may be refused for the operation of the business in question if the new premise does not comply with this and all other applicable bylaws of the Village.
- (c) A license granted under this bylaw shall be deemed a personal license to the licensee and shall not be transferable to any other person.
- (d) A person shall not carry out or continue an unincorporated business that they have purchased, without first obtaining a license pursuant to this bylaw.
- (e) A person shall not change the location of the business for which the license has been issued, and then carry on that business, without first having obtained a transfer of their license from the Village.
- (f) A fee of Fifteen Dollars (\$15.00) is payable to the Village for each license transfer.
- (g) A licensee shall notify the Village when the license is no longer required.

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6. Security

At the time of application, a person applying for either

- (a) a non-resident business license; or
- (b) a resident business license for the first time,

may be required to post security in the amount of \$1,000.00 payable in cash or by Letter of Credit, to be held in trust by the Village for a specified period of time.

7. License Inspector

- (a) The Council may, from time to time, appoint a License Inspector to administer the provisions of this bylaw. When Council has appointed no person, the License Inspector shall be the Chief Administrative Officer, or any person acting on their behalf.
- (b) The License Inspector may enter at all reasonable times on any property subject to this bylaw to ascertain whether this bylaw is being observed.
- (c) An owner or occupier of real property in the Village shall give to the License Inspector the information and the access to that property required enabling necessary inspections and investigations to be made.
- (d) When the License Inspector is satisfied that the applicant has complied with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and business, they may grant, issue or transfer a license subject to any other requirements of this bylaw.

8. License Suspensions

- (a) The suspension of a license by the License Inspector shall be made in writing, signed by the License Inspector and served on the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form for the license.
- (b) A notice of suspension may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the license is reinstated, or the suspended licensee ceases to occupy the premises, or new license is issued for the premises.
- (c) No person shall carry on a business for which a license, required by this bylaw, is under suspension.

9. Appeal from License Suspension

- (a) A person who intends to appeal to the Council for a refusal or suspension, shall give to the Chief Administrative Officer, notice in writing, of their intention to appeal.
- (b) The Notice of Intention to Appeal shall state concisely the grounds upon which the Appeal is based.

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- (c) The Chief Administrative Officer shall refer the matter to the Council in order to appoint a time and place for a hearing and then shall give to the appellant reasonable notice of the time and date.

10. Revocation of a Business License

A notice of revocation of a license may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the former licensee ceases to occupy the premises, or a new license is issued for the premises.

11. License Approvals

- (a) The Village Building Inspector shall approve all premises in or upon which the applicant proposes to carry on any business, before a license is granted.
- (b) The applicant shall, upon request by the Village Building Inspector, produce certification or letters of approval, as may be required by Federal, Provincial or local government authorities.
- (c) An applicant whose business is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the License Inspector of their employee's qualifications under those Acts or Regulations.
- (d) When the issuance of a license requires insurance coverage, proof of that insurance coverage in a form acceptable to the Treasurer of the Village shall be submitted prior to the issuance of the License.

12. Posting License

A license holder shall post and keep posted the license issued under this Bylaw in the area of the premises to which the public has access, or in another area designated by the License Inspector.

13. Penalty

- (a) Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfil, observe, carry out or perform any of the provisions of this bylaw, shall be deemed to have violated the provisions of this bylaw and shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall be a separate offence.
- (b) Every person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 (one hundred dollars) nor more than \$2,000.00 (two thousand dollars), as provided under the Offence Act.

14. Schedule "A" and Schedule "B"

- (a) Schedules "A", "A-1", and "B" to this bylaw forms a part of and is enforceable in the same manner as this bylaw.

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15. Citation

This bylaw may be cited as Business License Bylaw No. 496.

16. Rescission

Bylaw No.307 is hereby rescinded.

17. Effective Date

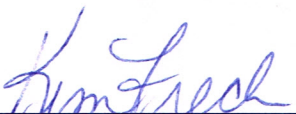
This bylaw shall come into effect on the date of its final adoption.

READ A FIRST time this 11th day of February 2004.

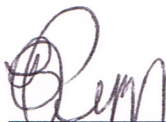
Notices forwarded to all current business license holders on 13 February 2004.

READ A SECOND AND THIRD TIME this 10th day of March 2004.

RECONSIDERED and ADOPTED this 24th day of March 2004.

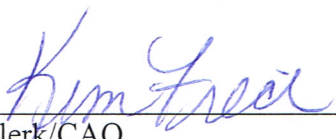


Clerk/CAO



Mayor

Certified a true and correct copy of
Bylaw No. 496.



Clerk/CAO

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Schedule "A" - Fees

Commercial/Industrial

Definition - any business permitted in the zones designated in the Village of Port Alice Zoning and Land Use Bylaw and any amendments thereto.

<u>Basis of Fee</u>	<u>License Fee</u>
Employing up to 3 persons	\$ 50
Employing 4 to 10 persons	\$ 80
Employing 11 to 25 persons	\$ 100
Employing 26 to 50 persons	\$ 200
Employing over 50.....	\$ 400

Rental Units/Spaces

Definition - any building containing rental units for residential or accommodation purposes or any land containing spaces to rent (including campgrounds, storage units, manufactured home parks, etc).

Up to 10 units.....	\$ 50
11 to 20 units.....	\$ 100
21 to 30 units.....	\$ 200
Over 30 units.....	\$ 400

Home Occupation

Definition - any business permitted in residential areas under the provisions of the Home Occupation Regulations set out in the Village of Port Alice Zoning Land Use Bylaw and any amendments thereto.

Per distinct business.....	\$ 50
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Miscellaneous Businesses

Definition - any business not carried out of a building or premises within the Village of Port Alice, including, but not limited to: canvasser, agents, contractors, delivery services, mobile sales and servicing (not including "Mobile Business" defined hereinbefore) and any other business not hereinbefore provided.

Per distinct business.....	\$ 50
* Exception: Instructors offering less than 10 hours instruction/week.....	\$ 20

Mobile Business (Resident and Non-Resident Businesses)

See attached Schedule "B" for Definition and Regulations.

Each mobile unit	\$50 per day, or \$ 300 per year
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NON-RESIDENT BUSINESS

Definition – any type of business carried on in the Village by a non-resident (not including a non-resident that owns, or leases property in the Village for the purpose of operating the said business), including, but not limited to: direct sales, agents, professionals, contractors, delivery services, and mobile sales (except *Mobile Business* defined in Schedule B)

North Island (Mt. Waddington Regional District) Business	\$ 20/ day, or \$ 80/ year
All Other Non-Resident Businesses.....	\$ 30/ day, or \$ 100/ year

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Schedule "A-1" – Fees for 2004 Renewable Licenses Only

Commercial/Industrial

Definition - any business permitted in the zones designated in the Village of Port Alice Zoning and Land Use Bylaw and any amendments thereto.

Basis of Fee

Renewable 2004 Only Fee (May-Dec)

Employing up to 3 persons	\$ 35
Employing 4 to 10 persons	\$ 55
Employing 11 to 25 persons	\$ 70
Employing 26 to 50 persons	\$ 140
Employing over 50.....	\$ 270

Rental Units/Spaces

Definition - any building containing rental units for residential or accommodation purposes or any land containing spaces to rent (including campgrounds, storage units, manufactured home parks, etc).

Up to 10 units.....	\$ 35
11 to 20 units.....	\$ 70
21 to 30 units.....	\$ 140
Over 30 units.....	\$ 270

Home Occupation

Definition - any business permitted in residential areas under the provisions of the Home Occupation Regulations set out in the Village of Port Alice Zoning Land Use Bylaw and any amendments thereto.

Per distinct business.....	\$ 35
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Miscellaneous Businesses

Definition - any business not carried out of a building or premises within the Village of Port Alice, including, but not limited to: canvasser, agents, contractors, delivery services, mobile sales and servicing (not including "Mobile Business" defined hereinbefore) and any other business not hereinbefore provided.

Per distinct business.....	\$ 35
* Exception: Instructors offering less than 10 hours instruction/week.....	\$ 15

Mobile Business (Resident and Non-Resident Businesses)

See attached Schedule "B" for Definition and Regulations.

Each mobile unit	(no 2004 renewable licenses – see Schedule A)
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NON-RESIDENT BUSINESS

Definition – any type of business carried on in the Village by a non-resident (not including a non-resident that owns, or leases property in the Village for the purpose of operating the said business), including, but not limited to: direct sales, agents, professionals, contractors, delivery services, and mobile sales (except *Mobile Business* defined in Schedule B). New per Schedule "A", or renewable:

North Island (Mt. Waddington Regional District) Business	(renewable \$55 / May-Dec)
All Other Non-Resident Businesses.....	(renewable \$70 / May-Dec)

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Schedule "B" - Mobile Business Regulations

1. **Definition:**

A business that is carried out entirely from a motor vehicle or mobile unit that is designed to be or is mobile, including hand push carts and self-propelled concession stands. The entire stock of goods, ware, merchandise or foodstuffs offered for sale is actually carried and contained in the motor vehicle or mobile unit. The goods, wares, merchandise, or foodstuffs are offered for sale and are delivered to the purchaser at the time of sale. This does not include a delivery vehicle owned and operated by a Village licensed retailer or wholesaler nor a vehicle making deliveries to local businesses not soliciting sales from others.

2. **Mobile Business:**

- a) Mobile Stores and Concession Stands - a vehicle registered to operate on a highway which is used in the carrying on of business as a mobile store or a mobile concession stand.
- b) Mobile Vending Push Cart - a vehicle not registered to operate on a highway which is designed for use as a food and beverage vending outlet.

3. **Use of Highways and Roadways:**

- a) No person shall offer for sale any goods or merchandise on a highway or roadway within the boundaries of the Village of Port Alice, except as provided in this bylaw or other enactment.

4. **Mobile Stores, Mobile Restaurants, Mobile Vending Push Carts**

- a) Every vehicle used in the carrying on of a business as a mobile store or a mobile concession stand shall have dust tight, well-lighted, sanitary interior from which the business is to be carried out.
- b) All mobile stores, mobile concession stands or mobile vending push carts shall be in good mechanical condition and meet all the food handling requirements of the Provincial Health Regulations and shall be in possession of valid permits issued by the Provincial Government authority having jurisdiction.
- c) No form of music or voice amplifying device shall be allowed. All soliciting to be done at a level speaking voice, with no shouting.
- d) A mobile store, concession stand, vending push cart shall be operated from commercial or industrial zoned private property only, with the consent of the property owner.
- e) The only goods to be sold from a mobile concession stand or mobile vending pushcart are food and beverages.
- f) The operator of a mobile vending pushcart must provide waste receptacles and shall be responsible for cleaning all litter generated within 10 meters of the mobile vending pushcart.