

Home of the



Killer Whale

VILLAGE OF ALERT BAY
BUSINESS LICENSE BYLAW #668

**A BYLAW RESPECTING LICENSES FOR CARRYING ON BUSINESS
WITHIN THE MUNICIPALITY AND FOR FIXING THE FEES FOR
SUCH LICENSES**

WHEREAS under the provisions of the appropriate Sections of the *Community Charter* and the regulations hereunder Council may by bylaw implement licenses for carrying on business within the municipality, impose requirements and conditions to such license and for fixing the fees for such licenses;

NOW THEREFORE, the Council of the Corporation of the Village of Alert Bay, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. **Citation**

This bylaw may be cited as "Business License Bylaw #668, 2004.

2. **Definitions**

In this bylaw, unless the context otherwise requires;

- a. "Act" means the *Community Charter* and its amendments;
- b. "Authority" having Jurisdiction@ means the municipal council and the agent thereof that have authority over the subject that is regulated;
- c. "Business" means the carrying on of 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;
- d. "Home Based Business" means an accessory use of a dwelling unit for the purpose of gain or profit. This could include business of a professional, lodging, service, or arts and crafts nature which does not produce offensive noise, vibration, smoke, dust, odour, electrical interference, heat or glare affecting the neighbourhood and does not include a retail sales space.
- e. "License Inspector" means the person from time to time duly appointed as License Inspector for the municipality and also any person lawfully acting in that capacity;
- f. "Non-Resident Business" means a business, other than a resident business, carried on within the municipality or with respect to which any work or service is performed within the municipality;
- g. "Resident Business" means a business carried on in or from premises within the municipality;
- h. "Mobile Business" means a business that is carried out entirely from a motor vehicle unit that is designed to be or is mobile, including hand pushcarts and self-propelled concession stands. The entire stock of goods, wares, merchandise or foodstuffs offered for sale is actually carried and contained in the motor vehicle or mobile unit. The goods, wares, merchandise or foodstuff are offered for sale and

are delivered to the purchaser at the time of the sale. This does not include a delivery vehicle owned and operated by a licensed retailer or wholesaler within the Village.

3. **Severability**

If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Bylaw.

4. **Prohibitions**

It is an offense for a person to carry on, within the Municipality, any business unless he/she is the holder of a valid and subsisting license issued to him/her under this bylaw by the License Inspector, and shall pay in advance therefore, to the License Inspector the sum specified in Schedule "A" and attached hereto and made a part of this bylaw, and it shall be incumbent upon each person to renew such license prior to the beginning of each licensing period as long as such business is being carried on.

5. **Duties**

The authority having jurisdiction shall administer this Bylaw.

6. **Powers**

The authority having jurisdiction may:

- a. Ensure that employees or persons charged with the administration of this bylaw carry proper identification;
- b. The License Inspector shall have the power to grant, issue or transfer Licenses as hereinafter provided and subject to the provisions of Section 154 of the Act.

7. **Licenses**

- a. The application for a license shall be in the form of Schedule "B" attached hereto and made part of this bylaw and shall be signed by the owner of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such owners or partners may apply and such owner or partner applying shall be deemed to be duly authorized agent of all owners or of the partnership.
- b. The application form shall be delivered to the License Inspector and shall be accompanied by the fee prescribed in Schedule "A".
- c. Where the applicant for a license is one and the same person, as many applications for the same kind as may be conveniently made on the form prescribed may be combined in one such form without the necessity for the completion of separate application forms for each business for which a license is sought.
- d. Notwithstanding subsections (b) and (c) but not inconsistent with the Act or this bylaw, the License Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him/her when dealing with any owner for licenses for more than one business.
- e. Except hereinafter provided, licenses shall be issued so as to terminate on the 30th day of April, and no proportionate reduction shall be made on account of any person commencing or ceasing to do business at any particular time.
- f. Subject to Section 60 (2) of the Act, the period for a business license for a theatre, including drive-in theatre, amusement hall,

- concert hall, music hall, opera house, rink amusement park or other place of amusement, entertainment or exhibition, may be six months, three months, one month, or one day, and the period requested shall be written application under the signature of the applicant.
- g. Subject to Section 60 of the Act, the period for a business license for a circus, horse show, dog show, pony show, exhibition or other itinerant show or entertainment, when held elsewhere than a license theatre or other license place, must be for one day.
 - h. The period for a license in respect of horse racing must be one day.
 - i. A license fee for an annual business that is in operation for less than six months may be entitled to a seasonal business license.
 - j. A license may be reduced proportionately for a person who becomes liable to be licensed after the start of the license period.
 - k. No person shall carry on business at two or more premises at the same time under one license.
 - l. No person shall change his place of business without first obtaining a transfer of his license in respect thereto and the particulars of such transfer shall be endorsed on the license by the License Inspector.
 - m. Every license under this bylaw shall permit reasonable access to the License Inspector to the premises at which the licensed business is being carried on for the purpose of ensuring that the requirement of this bylaw are being fulfilled.
 - n. Subject to provisions of section 61 of the Act, an itinerant seller, as defined in the *Consumer Protection Act, 1967*, who provides and maintains security under the Act, together with the agents, employees or representatives designated by the itinerant seller in writing is exempt from bylaws under section 59 to 61.
 - o. Before a license is granted for any business in which articles of food for human consumption are prepared or handled, and such articles of food are not at all times entirely covered by a wrapper or box which gives complete protection against contamination, the approval in writing of the Medical Health Officer of the Vancouver Island Health Authority regarding the cleanliness and sanitation of the premises, equipment and methods used in the handling of such foods for which a license is requested shall first be obtained, such approval shall be required before the license for the first half of the year is issued. Such businesses shall include bakeries, barbecues, butcher shops, confectioners, groceries, restaurants, refreshment rooms, and peddlers of fish other than from registered fishing vessels, and meat or other businesses of a similar nature.
 - p. All fees collected by the License Inspector under this bylaw shall be paid forthwith to the Treasurer of the municipality who shall deal with the said fees in the manner provided by the Act.
 - q. Before a license is granted to a barbershop, beauty shop and hairdresser the approval in writing of the Medical Officer of the Vancouver Island Health Authority shall first be obtained.
 - r. All licenses issued under this bylaw shall be made in duplicate, one copy being delivered to the licensee, the other copy being retained by the License Inspector.
 - s. Any license granted under this bylaw shall be non-transferable by the person to whom it is granted and issued, and no person shall have the right to use the said license.
 - t. No person shall offer for sale any goods or merchandise on a highway within the boundaries of the Village of Alert Bay, except as provided in this bylaw or other enactment.
 - u. Every vehicle used in the carrying on of a business as a mobile store

- or a mobile concession stand shall have a dust tight, well-lighted, sanitary interior from which the business is to be carried out.
- v. All mobile stores, mobile concession stands and mobile vending push carts shall be in good mechanical conditions 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.
 - w. No form of voice amplifying device shall be allowed. All soliciting to be done at level speaking voice, with no shouting.
 - x. A mobile store, concession stand and vending pushcart shall be operated from **commercial or industrial zoned private property** only, with the consent of the property owner.
 - y. The only goods to be sold from a mobile concession stand or mobile vending pushcart are food and beverages.
 - z. 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.

8. Documents on Site

The applicant to whom a license is issued shall ensure that the license is posted in a conspicuous place of the premises, or carried by the person, in respect of which the license is issued.

9. Penalty

a. Any person who violates the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who does any act or thing which violates any provisions of this bylaw shall be deemed to have committed an offense under this bylaw and shall be liable for a ticket under the Municipal Ticket Information Bylaw #607, 1997.

b. Each day during which such violation is continued shall be deemed to constitute a new and separate violation, except where the court otherwise orders.

10. Schedules

Schedule "A" is attached to and will form part of this bylaw.

Schedule "B" is attached to and will form part of this bylaw.

11. Repeal

Bylaw No. 662 2003 and Bylaw No. 666, 2003 is now repealed.

Read a FIRST time this 11 day of MAY, 2004

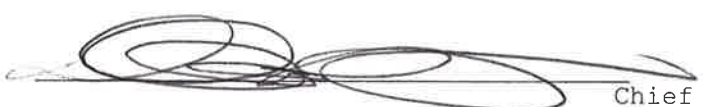
Read a SECOND time this 11 day of MAY, 2004

Read a THIRD time this 25 day of MAY, 2004

RECONSIDERED, PASSED AND FINALLY ADOPTED this 8th day of

JUNE, 2004.


DEPUTY Mayor


Chief

Administrative Officer

CERTIFIED A TRUE COPY OF BUSINESS LICENSE BYLAW #668 AS ADOPTED BY
RESOLUTION # 12586 ON THE 8 DAY OF JUNE, 2004



Chief Administrative Officer



BUSINESS LICENSES - APPLICATION 2004

SCHEDULE "B"

For the period - From: _____

To: _____

Primary Business Name: _____

Secondary Business Name: _____

Type of Business: _____

Name of Owner: _____

Mailing Address: _____

e-mail address: _____

website: _____

Base Rate:

\$ 50.00

(includes all businesses as defined in Section 2 c.&d. in the Business Bylaw #668)

Number of Employees (F.T.E.)

1 to 3

10.00

4 to 6

20.00

7 or more

50.00

Seasonal: (Less than six months)

yes

-

0.00

no

10.00

Primary source of income:

yes

10.00

no

-

0.00

Retail Space (in square feet):

up to 200

20.00

201 to 500

50.00

over 500

100.00

Commercial space:

(non-retail)

20.00



BUSINESS LICENSES - APPLICATION 2004

Equipment:

(Vehicles/Boats/Heavy Equipment)

up to 2

20.00

more than 2

50.00

Non-Resident/Temporary:

per day

10.00

(no other charges will be levied)

per year

150.00

Total Due: _____

I, _____ LEGAL REPRESENTATIVE OF BUSINESS _____
(PRINT NAME OF OWNER OR LEGAL REPRESENTATIVE) (PRINT NAME OF BUSINESS)

SITUATED AT _____ DO AFFIRM THAT THE
(PHYSICAL ADDRESS OF BUSINESS)

INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

DATE: _____

SIGNATURE

NOTE: Please be advised that your business premises may be inspected from time to time to verify the accuracy of this document.

For Office Use Only

Business Code:

CONDITIONS ATTACHED:

PRESENTED TO COUNCIL FOR CONSIDERATION THIS DATE _____

DATE: _____

APPROVED: _____

SIGNATURE OF CHIEF ADMINISTRATIVE OFFICER