

DISTRICT OF TUMBLER RIDGE

BYLAW NO. 445, 2002

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

Whereas Part 20 of the *Local Government Act* empowers Council to provide for the licensing and regulation of businesses in the District;

Therefore the Council of the District of Tumbler Ridge, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Business License Bylaw No. 445, 2002".

2. DEFINITIONS

In this Bylaw:

"Home Business (Contractor)" means a person who carries on the business of performing construction, alteration, repair work, or maintenance upon a building, structure, or other improvement, and is permitted and carried on as a home occupation in a R-1, R-2, R-3, R-4 or M-1 Zone.

"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.

"Commercial Business" means any business permitted and carried on in a C-1, C-2 or C-3 Zone.

"Contractor" means a person who carries on the business of performing construction, alteration, repair work, or maintenance upon a building, structure, or other improvement.

"Daily Business" means any business for which a license having duration of 1 day is issued under this bylaw.

"District" means the District of Tumbler Ridge.

"Home Occupation Business" means any business permitted and carried on as a home occupation business in a R-1, R-2, R-3, R-4 or M-1 Zone.

"Industrial Business" means any business permitted and carried on in an I-1 or RR-1 Zone.

"License" means a valid and subsisting business license issued and approved pursuant to this bylaw.

"Licensee" means a person who holds a License.

"License Inspector" means every person employed from time to time as a License Inspector for the District, and his or her delegate.

"Non-Resident Business" means a business, other than a Resident Business, carried on in the District or with respect to which any work or service is performed in the District.

"premises" means a building, portion of a building or an area of land where a business is carried on.

"Resident Business" means a business carried on in or from premises within the District.

"Unclassified Business" means any business lawfully carried on in the District which does not fall into any other classification under this bylaw.

"Zone" means a land use zone established by the District of Tumbler Ridge Land Use Bylaw No. 12.

LICENSE REQUIREMENT

3. Subject to section 655 of the *Local Government Act*:
 - (a) No person shall carry on business in the District without a License.
 - (b) Every person who owns or operates any business within the District shall apply for, obtain, and hold a License for each business.
 - (c) Every person who carries on more than one business from the same premises shall obtain a separate license for each business.
 - (d) Every person who carries on business from more than one premises in the District shall obtain a separate License for each premises.

LICENSE FEE

4. Every person who obtains a License shall pay, in advance, the applicable License fee set out in Schedule "A" to this bylaw, provided that:
 - (a) An annual License fee prescribed in Schedule "A" shall be reduced by one-half in respect of a License issued after July 31 in any year.
 - (b) No refund of an annual License fee shall be made on account of any person ceasing to do business at any time. A License fee shall be refunded only if the License application is withdrawn prior to issuance of the License or if issuance of the License is refused.

LICENSE INSPECTOR'S POWERS

5. A License Inspector may grant a License upon being satisfied that the applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation, fire prevention, and business.

REFUSAL, SUSPENSION AND CANCELLATION OF LICENSE

6. Where the License Inspector determines that an application for a License should be refused, or a License should be suspended or cancelled, the License Inspector shall refer the matter to Council for a decision, in accordance with sections 659 and 660 of the *Local Government Act*.

INSPECTION

7. Every License Inspector and bylaw enforcement officer of the District may enter at all reasonable times on any property that is subject to the bylaw, to ascertain whether the regulations in this bylaw are being observed.

INITIAL LICENSE APPLICATIONS

8. An application for an initial License for a business shall be made on the application form as approved by the License Inspector.
9. Every application for an initial License for a Resident Business shall include a detailed description of the premises in or upon which the applicant intends to carry on business.
10. Where an applicant applies for more than one License, the particulars of each License applied for shall be included on a separate application form.
11. The application form shall be delivered to the License Inspector and shall be accompanied by the fee set out in Schedule "A" to this bylaw.
12. Every application for an initial License for a Resident Business that handles food or food products, or any other business that is regulated under the *Health Act*, shall submit written confirmation from the Chief Medical Officer having jurisdiction, or his or her delegate, that the business complies with all applicable health regulations.

13. Every application for an initial License for a Resident Business that serves alcohol shall submit evidence of a valid and subsisting license for the business and the business premises under the *Liquor Control and Licensing Act*.

LICENSE PERIODS

14. Subject to section 13, Licenses shall be granted as annual licenses for a period commencing each January 1 and expiring each December 31.
15. The period for a License with respect to a circus, concert, horse show, dog or pony show, exhibition, or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be one day.

LICENSE FORMS

16. Every License shall be in the form approved by the License Inspector, and shall be made out in duplicate. One copy shall be delivered to the applicant and the License Inspector shall retain the other copy.

DISPLAY OF LICENSE

17. Every Licensee shall keep the Licensee's copy of the License posted in a conspicuous place on the premises in respect of which the License is issued. Where the License is in respect of a Non-Resident Business, the License shall be carried upon the Licensee's person at all times when the Licensee is engaged within the District in the business for which the License was issued.

EFFECT OF LICENSE

18. A License authorizes only the person named in the License to carry on only the business described in the License, and only at the premises or locations described in the License.
19. A License is not a representation or warranty that the Licensed business or the business premises comply with the bylaws of the District or with any other regulations or standards.

LICENSE RENEWAL

20. A Licensee who proposes to renew a License shall submit the annual License fee to the License Inspector prior to the expiry of the License on December 31.
21. If a License is not renewed as required by section 20, the License shall be suspended and a Licensee who wishes to continue to carry on the business shall pay an additional License fee of \$50.00.
22. Receipt of a Business License shall serve as confirmation that the License has been renewed.

LICENSE TRANSFERS – NEW PREMISES

23. No person shall carry on a business upon any premises other than those described in the initial License application without first making an application under this section for a new License or for a transfer of the original License.
24. Any person proposing to obtain a transfer of a License with respect to a change of premises shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial License application apply, except as to License fees.

LICENSE TRANSFER – PERSON TO PERSON

25. Any person who acquires a business or a controlling interest in any business from any person licensed under this bylaw shall not carry on such business without first having obtained approval for a transfer of the License.
26. Any person proposing to obtain a transfer of a License held by any other person shall make application as required, and the powers, conditions, requirements, and procedures relating to the initial License application apply, except as to License fees.

TRANSFER FEES

- 27. The fee payable in respect of a person to person License transfer, or a new premises License transfer, shall be \$50.00.

CLASSIFICATION

- 28. For the purposes of this bylaw, businesses are classified in accordance with the zone in which the business is carried on, except where otherwise classified, in accordance with Schedule "A".

SEVERABILITY

- 29. If any provision of this bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the bylaw.

OFFENCE

- 30. Every person who violates any provision of this bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more that \$2,000.00.

REPEAL

- 31. Business License Bylaw No. 148, 1986 is repealed. Business License Amendment Bylaw No. 160, 1987 is repealed. Business License Amendment Bylaw No. 362, 1996 is repealed.

TRANSITIONAL

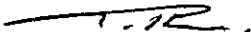
- 32. All valid and subsisting Business Licenses issued prior to the adoption of this bylaw shall remain in effect until December 31, 2002, unless suspended or cancelled pursuant to this bylaw or the *Local Government Act*.

READ A FIRST TIME this 7th day of January, 2002.

READ A SECOND TIME this 7th day of January, 2002.

READ A THIRD TIME this 7th day of January, 2002.


Adopted by the Municipal Council of the District of Tumbler Ridge this 21st day of January, 2002.



Mayor



Chief Administrative Officer

I hereby certify that this is a true and correct copy of District of Tumbler Ridge Business By-Law No. 445 as adopted by the District of Tumbler Ridge Council on the 21st day of January 2002 Signed this 21st day of January 2002

Clerk

Schedule "A"

Business Classification and License Fee

<u>Classification</u>	<u>License Fee</u>
Commercial Business	\$150.00
Industrial Business	\$200.00
Home Occupation Business	\$75.00
Home Business (Contractor)	\$150.00
Non-Resident Business	\$150.00
Daily Business	\$50.00
Unclassified Business	\$150.00