

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 141

A BY-LAW RESPECTING LICENCES FOR CARRYING ON BUSINESS WITHIN THE MUNICIPALITY AND FOR FIXING FEES FOR SUCH LICENCE.

This By-Law will be presented as follows:

| | | |
|---------------------|---|------------|
| General Regulations | - | Schedule A |
| Definitions | - | Schedule B |
| Licence Fees | - | Schedule C |
| Forms | - | Schedule C |

The Council for the Village for Port Clements, in open meeting assembled, enacts as follows:

GENERAL REGULATIONS

Licence

- 1.1 (a) No person shall carry on any business within the Municipality unless he/she is the holder of a valid and subsisting licence issued to him/her under the provisions of this By-Law for the business so carried on.
- (b) Any person who carries on more than one class of business in or from any one premise shall obtain a separate licence for each business.
- (c) Where a business is carried on, in or from more than one premise in the Municipality, the business so carried on, in or from each premise shall be deemed a separate business.
- (d) Every person applying for a licence to carry on a business for the first time shall make application on Form C1, Schedule C, attached hereto and forming part of this By-Law.
- (e) Every applicant shall make a true and correct statement in writing on Form C1. Such Form C1 shall disclose the name of the business, the type of business to be carried on, the address of such business, the name of the owner/operator and such other facts as are required by this By-Law.
- (f) The application form shall be signed by the applicant and shall be accompanied by the fee set out in Schedule B of this By-Law.
- (g) Every licence granted pursuant to this By-Law shall be in the form of Form C2, Schedule C, attached hereto and forming part of this By-Law.
- (h) Every licence issued pursuant to the provisions of this By-Law shall state that the holder is licenced to carry on the business stipulated on the licence at the place specified on the licence.
- (i) The licence holder or person in charge or control of the premise where the business is carried on or practised shall at all times keep the licence or licences prominently displayed in the sales or reception area of the premise to which the public has access.
- (j) No licence shall be transferred from one person in respect of a certain premise to that same person in respect of another premise, without the prior approval of the Licence Inspector and the payment of the required fee as set out in Schedule B.

(k) 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, and upon termination of the business, shall notify the Licence Inspector that the licence is no longer required and shall surrender the licence to the Licence Inspector.

Licence Periods

1.2 (a) Except as hereinafter provided, licences shall be granted for a calendar year period, to commence on the first day of January and to terminate on the thirty-first day of December in each and every year.

(b) The licence fee may be reduced pro-rata on a monthly basis for a person who becomes liable to be licensed after the commencement of the licence period or upon written notification for a person who ceases to do business before the termination of the licence period. The minimum fee payable under this section shall be TEN DOLLARS (\$10.00).

(c) In the first year of annual licences fees paid will be pro-rated on a monthly basis.

(d) The fees listed in Schedule B are the fees applicable to a calendar year, unless otherwise stated.

(e) The period for a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment or exhibition may be for a period of one day to a period of six months, and the period requested shall be by written application, under the signature of the applicant.

(f) The period for a licence for a circus, animal exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre place, shall be for one day.

(g) The period for a licence in respect of horse racing shall be one day.

Licence Not Required

1.3 (a) The following non-resident businesses are not required to hold a business licence under this By-Law:

(i) Commercial travellers offering for sale or selling merchandise to merchants for resale of them in the ordinary course of their business.

(ii) Owners or operators of carriers, other than taxi-cabs, who either pick up passengers or chattels in the Municipality for discharging or delivery outside the Municipality or discharge or delivery in the Municipality picked up outside the Municipality, or both.

(iii) Owners or operators of a taxi-cab who only discharges passengers in the Municipality.

(iv) Owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business of offering for sale or selling their own merchandise and delivering it in their own vehicle to merchants for resale by them in the ordinary course of their business.

(v) A wholesaler, manufacturer or processor who is only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicle to merchants for resale by them.

- (vi) A person practising a profession governed by a special act unless such person regularly and generally carries on business in the Municipality.
- (b) A license is not required for a performance, concert, exhibition or entertainment, the entire proceeds of which, after actual expenses, are devoted to a charitable purpose.
- (c) a license is not required for a performance, concert, exhibition, entertainment or concession which is held in a licensed theatre or other licensed place.
- (d) A license is not required for the business of letting or renting rooms where not more than two rooms are available for letting or renting.

License Inspector

- 1.4 (a) The Council may, by resolution, appoint a person to be the License Inspector, whose duty it shall be to carry out and administer the provisions of this By-Law.
- (b) (i) Council may, by resolution from time to time appoint a person or persons as Assistant License Inspector or Inspectors with like duties and powers as delegated to the License Inspector by the provisions of this By-Law.
- (ii) The Assistant License Inspector or Inspectors shall, at all times, be subject to the control and direction of the License Inspector.
- (c) It shall be the duty of the License Inspector, and he/she is hereby authorized and empowered to inspect, compel and require that all the regulations and provisions of this By-Law be carried out.
- (d) The License Inspector shall maintain and keep records of all licenses issued.
- (e) All such records shall be considered public records, and shall be open for inspection at reasonable times to any person having business with the License Inspector.
- (f) Every licensee under this By-Law shall permit reasonable access to the License Inspector to the premise at which the licensed business is being carried on for the purpose of ensuring that the requirements of this By-Law and Division I of Part II of the Municipal Act are being fulfilled.
- (g) Where the License Inspector is satisfied that the application therefore has complied with the requirements of the By-Laws of the Municipality regulating building, zoning, health sanitation and business, she/he may grant a license pursuant to this By-Law.
- (h) The License Inspector shall have the power to suspend any license for an appropriate period if its holder:
 - (i) is convicted of an offence indictable in Canada.
 - (ii) is convicted of an offence under any Municipal By-Law or statute of the Province of British Columbia in respect of the business or premise named on the license.

- (iii) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business, or in, or with respect to the premise named in his license that it warrants the suspension of his license;
- (iv) has ceased to meet the lawful requirements to carry on the business for which he/she is licensed or with respect to the premise named in their license; or
- (v) has, in the opinion of the License Inspector, conducted their business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed for sale or distribution to a person actually or apparently under the age of sixteen years any thing that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.

License Suspension or Revocation

- 1.5 (a) (i) Any person whose license has been suspended under this section, may appeal to Council by submitting a written request to appear before Council by the next regular Council Meeting, and upon notification of the meeting of the time and place, he/she shall appear before Council and present his/her reasons for the appeal, and upon such appeal, the Council may confirm or set aside such suspension on such terms as it may deem fit.
- (ii) The Council may revoke a license for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard, but such notice and opportunity to be heard is not required for a licensee who cannot be found.
 - (iii) A person who has applied for but failed to be granted a license may appeal to the Council, and subsection (b) of this section applies with the necessary changes so far as is applicable.
 - (iv) The suspension of a license by the License Inspector shall be made in writing on Form C3, signed by the Inspector and served on the person holding such license or delivered to the holder of such license on the application for the license.
 - (v) A notice of such revocation or suspension of a license in the form of Form C4, attached hereto and forming part of this By-Law, may be posted by the License Inspector upon the premise for which the license was issued and such notice shall not be removed until the license is reinstated, the former licensee ceases to occupy the premise, or a new business other than the one carried on by the former licensee is started on the premise.
- (b) The Council may, on the affirmative vote of two thirds of the members, refuse in any particular case to grant the request of an applicant for a license under this By-Law, but the granting or renewal of a license shall not be unreasonably refused.

Security for Residential Businesses

1.6 Subject to Section 1.7 subsection 5 of this By-Law:

- (1) As a condition of granting a license, a person applying for a license for the first time to carry on a particular resident business specified in the By-Law, may be required to give security to the Municipality, conditioned on his carrying on whatever business he carried on in the Municipality without deceit, misrepresentation or fraud on his part.

- (2) Security under subsection (1) shall be in the form of cash, negotiable securities, or a bond or policy of an insurer licensed under the Insurance Act, not in excess of FIVE HUNDRED DOLLARS (\$500.00).
- (3) When a licensee has carried on the business continuously in the Municipality for six months, the security shall be returned to him.
- (4) For the purpose of this section, a person applying for a license to carry on a business that he has not carried on continuously during the previous six months as a residential business shall be deemed to be applying for a license for the first time.

Security for Non-Resident Businesses

- 1.7 (1) The Council may require as a condition of granting a license that an applicant applying for a license to carry on a non-resident business of any class specified in this By-Law, give security to the Municipality, conditioned on his carrying on whatever business he carries on in the Municipality without deceit, misrepresentation or fraud on his part.
- (2) Security under subsection (1) shall be in the form of cash, negotiable securities, or a bond or policy of an insurer licensed under the Insurance Act not in excess of ONE THOUSAND DOLLARS (\$1,000.00).
- (3) Security under subsection (1) shall be given for the period from the date the license is issued until:
 - (i) six months after the licensee ceases to hold the license to carry on the non-resident business;
 - (ii) the date on which the licensee is issued a license by the Municipality to carry on the business as a resident business; or
 - (iii) three consecutive years have elapsed during which no order has been made respecting the security under subsection (5).
- (4) Subject to subsection (5) on the expiry of the period fixed in subsection (3), the security shall be returned to the licensee.
- (5) If, during the period fixed in subsection (3), the Municipality receives notice of a civil action in a court based on deceit, fraud or misrepresentation on the part of the licensee who has given security under this section and arising out of the carrying on in the Municipality of the business for which the security is held, the security shall be held subject to the order of the Court which may order that the sum secured be applied wholly or in part to the discharge of the liability of the licensee resulting from the action.
 - (a) An itinerant seller, who furnishes and maintains security pursuant to the Consumer Protection Act, 1967, together with the agents, employees or representatives he designates in writing is exempt from By-Laws under Section 1.6 and 1.7.
 - (b) The Council provides that, instead of giving security, an applicant for a license to carry on a resident business who states that he/she does not intend to carry on the business continually in the Municipality for at least six months, may pay a fee in the amount of one and one half times the regular license fee in respect of any other resident business of the class carried on in the Municipality.

(c) Council may classify businesses according to the type of business.

(d) (i) License fees for the Municipality are as set out in Schedule B, of this By-Law.

(ii) Free parking facilities provided by the owner or operator of the business for the exclusive accomodation of customers shall not be taken into account in determining the classification of a business.

(iii) Council shall not permit or cause discrimination between a resident business and a non-resident business either by classification of businesses or by a license fee imposed.

Penalties

1.8 (a) (i) Any person who carried on a business for which a license is required pursuant to this By-Law, without holding a valid and subsisting license for the business is guilty of an offence and is punishable in accordance with the Offense Act of British Columbia.

(ii) Notwithstanding anything herein contained, the amount of any and every license payable by any person pursuant to the provisions of this By-Law shall be a debt by that person to the Municipality which shall be recoverable together with costs in any court of competent jurisdiction.

(iii) neglects or refrains from doing any thing required to be done by any of the provisions of this By-Law,

is guilty of an offence and is liable upon summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) or six months imprisonment, or both, and where conviction is for failure to pay the license fee required, then the amount which should have been paid for such license fee shall be added to the said penalty and shall form part of the penalty.

(c) The By-Law repeals the "Village of Port Clements Business License By-Law No. 35, 1976".

(d) This By-Law shall be cited as the "Business License By-Law No. 141, 1984.

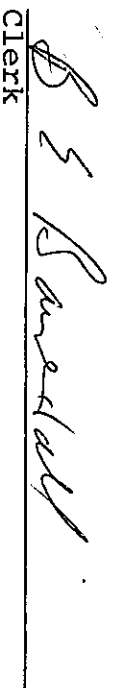
READ A FIRST TIME THIS 16th DAY OF JANUARY 1984.

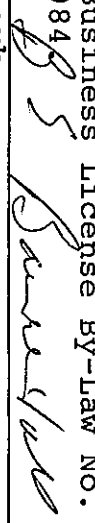
READ A SECOND TIME THIS 19th DAY OF FEBRUARY 1984.

READ A THIRD TIME THIS 26th DAY OF March 1984.

RECONSIDERED AND ADOPTED THIS 2nd DAY OF April 1984.


Mayor


Clerk

Certified a true and correct copy of By-Law No. 141, cited as "Business License By-Law No. 141, 1984"

Clerk

A true copy of By-Law No. 141, registered in the office of the Inspector of Municipalities this 12th day of April 1984.


Inspector of Municipalities

SCHEDULE C TO

VILLAGE OF PORT CLEMENTS

By-Law No. 141

FORMS

- FORM C1 Application for a Business Licence
- FORM C2 Business Licence
- FORM C3 Notice of Licence Suspension or Revocation
- FORM C4 Notice to Public of Suspension or Revocation

APPLICATION FOR A BUSINESS LICENCE

Name and address of business _____

Legal Description of Business: Lot: _____ Block: _____ Plan: _____ D.L.: _____

Name and Address of Owner/Operator: _____

Type of Business: _____

Floor/Ground Space: _____

Seating Capacity: _____

Number of Units/Apartments: _____

Number of Employees: _____

Number of Vending Machines: _____

Date: _____ Signature of Owner/Operator _____

Business Classification: _____

Licence Fee: _____

Licence Account Number: _____

Remarks: _____

Date Approved/Disapproved : _____

Reason for Disapproval: _____

Signature of Licence Inspector: _____

THE VILLAGE OF PORT CLEMENTS

P.O. Box 198

Port Clements, B.C.

Phone 557-4295

Business Licence

Licence No 488

(name of company) _____ has paid the sum of \$ _____

pursuant to BY-LAW NO. 141, 1984 and is entitled to _____ within the

Village of Port Clements, B.C.

Address of Business: _____

Dated at _____, 19____ this _____ day of _____, 19____

Licence period from the _____ day of _____, 19____
to the _____ day of _____, 19____

Licence Inspector

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 141

NOTICE OF LICENCE SUSPENSION OR REVOCATION

TO:

The Business Licence for:

Name of Company

Street Address of Company
has been suspended/revoked because:

If you wish to appeal this suspension/revocation, you may meet with Council, at _____ on _____ evening, the _____ day of _____ 198 , in the Council Chambers, Municipal Hall, 37A Cedar Avenue West, Port Clements, B.C. to present your reasons for the appeal.

Licence Inspector
Village of Port Clements

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 141

NOTICE TO THE PUBLIC

The Business Licence for:

(Name of Company)

(Street Address of Company)

has been suspended until:

(Date expected to re-open)

by the Village of Port Clements Licence Inspector.

Licence Inspector
Village of Port Clements

SCHEDULE A TO

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 141

Category:

DEFINITIONS

Manufacturer

Every business engaged in whole or in part in manufacturing goods.

Retail

Except as specifically provided in this category, every business engaged in whole or in part in retail trading where direct sales to the consumer from an established premise includes servicing of goods sold.

Service Occupations
(Non-recreational)

Every business engaged in providing a service to the public including, without limiting the generality, public utility, property management, insurance, auctioneering, real estate, hospital, professional garage and service station to automobiles or boats, delivery service, trailer, park operator, campsite operator, gravel pit operator, contractor and express courier service.

Service Occupations
(Recreational)

Every business of a recreational nature including without limiting the generality, theatre, concert hall, sporting enclosure, ice rink, swimming pool, and amusement facility, carnival and circus.

Wholesale

Every business engaged in whole or in part in wholesale trading. (Any person who carries on the business of dealing in any commodity by selling such commodity to retail dealers or to other wholesale dealers or to contractors or to manufacturers for resale or for use in their businesses.

SCHEDULE B TO

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 141

Category

LICENSE FEES

| | |
|-------------------------------------------|--------------|
| Manufacturer |\$30.00 |
| Retail |\$30.00 |
| Wholesale |\$30.00 |
| <hr/> | |
| Service Occupations (Non-recreational) |\$30.00 |
| <hr/> | |
| Service Occupations (Recreational) |\$30.00 |

Note:

Only one license fee is payable for a class of business within a category.

Where a person wishes to carry on a business falling within more than one category, a separate license is required for, and a separate fee shall be paid for each license.

A license may be issued for a period of six months, in which event the fee is $\frac{1}{2}$ of the annual fee.

A license for one month shall be \$10.00

A license for one day shall be \$10.00