

THE CORPORATION OF THE VILLAGE OF BURNS LAKE

BY-LAW NO. 513

A by-law to provide for licensing of businesses
within the boundaries of the Village of Burns Lake.

WHEREAS the Council of the Corporation of the Village of Burns Lake deems it necessary to provide for the issuance of business licenses within the Village of Burns Lake;

AND WHEREAS the Council may under Sections 497 through 513 of the Municipal Act regulate the licensing of businesses;

NOW THEREFORE the Council of the Corporation of the Village of Burns Lake in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this by-law, unless the context otherwise requires, the following terms shall have the meaning hereby assigned:

- a) 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.
- b) Residential Business – means a business carried on in or from premises within the municipality.
- c) Non-Resident Business – means a business, other than a residential business, carried on in the municipality or with respect to which any work or service is performed in the municipality.
- d) Carnivals – means any show having mechanical devices such as Ferris wheels, roundabouts or other rides or concessions operated by and for the sole benefit of non profit charities.
- e) Circuses – means any exhibit, exhibition or show where animals Are made to perform, where an admission is charged, but shall not include a carnival.
- f) License Inspector – means the person or persons appointed by resolution of Council to carry out the administration and enforcement of this by-law.
- g) Council – means the Council of the Corporation of the Village of Burns Lake.
- h) Village – means the municipality of the Corporation of the Village of Burns Lake.
- i) Premises – means a building or part of a building with its appurtenances or grounds.

2. No person shall carry on within the Village any business unless he is the holder of a valid and subsisting license issued pursuant to the provisions of this by-law, and has paid therefore the respective fee as prescribed.
 - a) Where a business is carried on in or from more than one premises in the Village, the business carried on from each premises shall be deemed a separate business.
 - b) Where more than one business is carried on in or from a single premises in the Village, each separate business requires a business license.
 - c) Where a premises is rented or leased out and the renting or leasing of said premises is the primary purpose of ownership, the person, partner or holding company requires a business license.

3. EXEMPTIONS:

The following non-resident businesses are not required to hold a license under Sections 497 and 513 of the Municipal Act.

- a) commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses.
- b) owners or operators of carriers other than taxicabs who either pick up passengers or chattels in the municipality for discharging or delivery outside the municipality or discharge or deliver in the municipality passengers or chattels picked up outside the municipality, or both, unless the municipality forms part of a trading area designed for carriers under Section 511 of the Municipal Act.
- c) owners or operators of taxicabs who only discharge passengers in the municipality unless the municipality forms part of a trading area designed for taxicabs under Section 511 of the Municipal Act.
- d) owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged.
- e) a wholesaler, manufacturer or processor who is only in the business of offering for sale or selling his own merchandise and delivering it in his own vehicle to merchants for resale by them in the ordinary course of their businesses; and
- f) a person practicing a profession governed by a special act unless he regularly and generally carries on business in the municipality.

4. LICENSE FEES:

The following business license fee is established:

All businesses - \$100.00 per license period.

5. LICENSE PERIOD:

As provided in Section 506 of the Municipal Act:

- a) The license period shall be from January 1 to December 31.

- b) The license fee prescribed in Section 4 of this by-law will be reduced by ½ for any person who becomes liable to be licensed after July 31 of any year.
- c) The period for a license of 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 shall be 6 months, 3 months, one month, or one day.
- d) The period for a license for a circus, horse show, dog show, pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be for one day.
- e) The period for a license in respect to horse racing shall be one day.
- f) The fee charged under Section 4 of this by-law shall first come into effect on January 1, 1984.

6. FORM OF LICENSE:

A business license issued under the provisions of this by-law shall be in the form of established and shown on Schedule "A" of this by-law.

7. REFUSAL OF LICENSE:

Notwithstanding the Municipal Act or the by-laws of the Corporation, the Council may, on the affirmative vote of at least 2/3 of the members, refuse in any particular case to grant the request of an applicant for a license under Section 497 to 513 of the Municipal Act, but the granting or renewal of a license shall not be unreasonably refused.

8. PENALTY:

A person who carries on a business for which a license is required by this by-law without holding a valid and subsisting license for the business commits an offense and is punishable in accordance with the "Offense Act", R.S.B.C., 1979, Chapter 305 and amendments thereto".

9. EXEMPTIONS FROM LICENSING:

- a) A license is not required for a performance, concert, exhibition, or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose.
- b) A license is not required for a performance, concert, exhibition, entertainment or concession which is held in a licensed theatre or other licensed place.
- c) A license is not required for the business of letting or renting rooms where not more than 2 rooms are available for letting or renting.

10. POWERS FOR LICENSE INSPECTOR, AND LICENSE SUSPENSION AND APPEALS:

- a) The Council may delegate to any official the power to grant a license where he is satisfied that the applicant has complied with the by-laws of the municipality regulating building, zoning, health, sanitation, and business, and may also delegate to that official the power to suspend any license for the period he decides if its holder
 - 1) is convicted of an offence indictable in Canada;

- 2) is convicted of an offense under any municipal by-law or statute of the Province in respect of the business for which he is licensed or with respect to the premises named in his license;
 - 3) has, in the opinion of the official, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his license that it warrants the suspension of his license;
 - 4) has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his license; or
 - 5) has, in the opinion of the official, conducted his business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years any thing, that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.
- b) A person whose license has been suspended under subsection (a) may appeal to the council, which may on the appeal confirm or set aside the suspension on the terms it thinks fit.
 - c) The council may revoke a license for reasonable cause after giving notice to the licensee and after giving him an opportunity to be heard.
 - d) The notice and opportunity to be heard is not required for a licensee who by reasonable efforts cannot be found.
 - e) A person who has applied for but failed to be granted a license may appeal to the council, and Section 7 of this by-law applies with the necessary changes and so far as applicable.

11. LICENSE INSPECTORS:

The following officers of the Corporation of the Village of Burns Lake are designated as "License Inspectors" for the purpose of issuing business licenses and/or enforcing the provisions of this by-law:

- a) Clerk-Administrator
- b) Treasurer
- c) Deputy Clerk-Treasurer
- d) Works Superintendent

12. REPEAL:

The "Village of Burns Lake Business License By-Law #353, 1977" is hereby repealed.

13. EFFECTIVE DATE:

This by-law shall become effective upon registration by the Inspector of Municipalities.

14. CITING:

This by-law may be cited as the "Corporation of the Village of Burns Lake Business License By-Law #512, 1983".

READ A FIRST TIME this 22nd day of MARCH, 1983.

READ A SECOND TIME this 22nd day of MARCH, 1983.

READ A THIRD TIME this 22nd day of NOVEMBER, 1983.

RECONSIDERED and adopted this 25th day of NOVEMBER, 1983.

MAYOR

CLERK-ADMINISTRATOR

Certified to be a true copy of the "Corporation of the Village of Burns Lake Business License By-Law #513, 1983".

CLERK-ADMINISTRATOR

Registered in the office of the Inspector of Municipalities this 2nd day of December, 1983.

Deputy Inspector of Municipalities