



Village of Burns Lake

Business Licence Bylaw No. 1054, 2023

A bylaw to provide for licensing of businesses operating within the  
boundaries of the Village of Burns Lake

THE CORPORATION OF THE VILLAGE OF BURNS LAKE  
**BYLAW NO. 1054, 2023**

A bylaw to provide for licensing of businesses operating within the boundaries of the Village of Burns Lake.

1. CITATION:

This Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Business Licence Bylaw No. 1054, 2023.*"

2. REPEAL OF BYLAW

The "Corporation of the Village of Burns Lake Business Licence Bylaw No. 960, 2015" is hereby repealed.

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

3. INTERPRETATION

3.1. In this bylaw, unless the context otherwise requires, the following terms shall have the meaning hereby assigned:

- a. **Business** means carrying on commercial or industrial activity or undertaking of any kind, or providing professional, personal or other services for purpose of gain or profit or providing any other services in exchange for money or other considerations but does not include any activity carried out by the federal or provincial governments.
- b. **Resident Business** means a business carried on in or from premises within the municipality.
- c. **Non-Resident Business** means a business, other than a resident business, carried on in the municipality or with respect to which any work or service is performed in the municipality.
- d. **Licence Inspector** means the person or persons designated by the Chief Administrative Officer to carry out the administration and enforcement of this bylaw.
- e. **Council** means the Council of the Corporation of the Village of Burns Lake.
- f. **Village** means the municipality of the Corporation of the Village of Burns Lake.
- g. **Premises** means a building or part of a building with its appurtenances or grounds.
- h. **Person** means a person, corporation, partnership or other legal entity.
- i. **Non-Profit Organization** means an organization operated solely by an organization recognized as such by the *Societies Act* or *Canada Not-For-Profit Corporations Act*.
- j. **Temporary Vendor** means any resident business or non-resident business ~~who~~ that sells or offers goods, wares, merchandise, or foodstuff that is operating up to a maximum of

21 calendar days (e.g. temporary food carts, non-resident vendors at public events, non-resident contractors working less than 21 days).

- k. **Seasonal Business** means any business that by the nature of the business, is prevented from operating for more than 21 calendar days but less than 6 months of the year due to seasonal conditions.
- l. **Farmer's Market** means a group of stalls and booths where farmers and other local vendors sell their products directly to consumers on a temporary or seasonal basis.
- m. **Social Media** means an internet-mediated tool that allows people to create, share or exchange information, ideas, and pictures/videos in virtual communities and networks.

#### 4. GENERAL REGULATIONS

- 4.1. No person shall carry on any business within the Village unless that person holds a valid and subsisting Licence issued pursuant to this bylaw for the business carried on. A Licence that has expired or has been suspended, or has been cancelled is not a valid and subsisting Licence.
- 4.2. Where a person carries on one business from more than one premises in the Village, only one Licence is needed.
- 4.3. Where a person carries out multiple businesses in separate premises, each business shall be deemed a separate business and shall be required to have separate Licences.
- 4.4. Where multiple businesses are located within the same premises, each business is required to have a separate Licence.
- 4.5. Where a premise 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 Licence.
- 4.6. Non-profit organizations are required to obtain a Business Licence but no fee shall be charged.
- 4.7. Business Licences are not required for religious organizations, registered charities, service clubs and local community organizations offering goods or merchandise for sale to raise funds for local community projects.
- 4.8. All businesses must adhere to all Village of Burns Lake bylaws and federal or provincial acts or regulations relating to their business operations to obtain a business Licence.

- 4.9. A Non-Resident Business that advertises or engages with clients located within Village boundaries, from their place of business, using electronic means or social media is not required to obtain a Business Licence.

## 5. APPLICATION FOR A LICENCE

- 5.1. An application for a Licence must be made to the Licence Inspector on the application form provided by the Licence Inspector
- 5.2. An applicant must make a true and correct statement on the application form disclosing the nature of the business to be carried on, the name, address and telephone number of the owner, the applicant, and the business, and other relevant information as per Schedule A-Business Licence Application.
- 5.3. Where a business is governed by a federal or provincial act or regulation, an applicant must provide a copy of current certifications or letter of approval from the governing body before a Licence may be issued (e.g. health permits, liquor Licences, firearms Licences).

## 6. TEMPORARY VENDOR REGULATIONS

- 6.1. A temporary vendor shall be permitted to offer the sale of goods and food products from private property with the written permission of the owner, at a location where such use is permitted under the Village of Burns Lake Zoning Bylaw for no longer than 21 calendar days.
- 6.2. A temporary vendor may include a non-resident business that has been contracted by a person to complete services within the Village of Burns Lake and will be completed within less than 21 calendar days.
- 6.3. Any temporary vendor that is operating for more than 21 calendar days in a year will have to apply for a seasonal or full business Licence depending on the nature of the business.
- 6.4. An application for a temporary vendor licence must be made to the Licence Inspector on the application form provided by the Licence Inspector.
- 6.5. On Village owned property, a mobile vendor must have permission from the group sponsoring the event. The organizing group must obtain permission from the Village prior to the event in order to host mobile vendors. Temporary vendors operating at special events that don't possess a current business Licence will need to complete the Business Licence Application for a temporary vendor permit.
- 6.6. Temporary vendors that are present at Canada Day or Indigenous Peoples Day celebrations are exempt from needing a Temporary Vendor Permit so long as the event organizers grant them

permission to attend the event. Event organizers must provide the Licence Inspector with a list of mobile vendors attending the event.

- 6.7. If any person or organization wishes to conduct a farmer's market from Village owned property, they must obtain written permission from the Village prior to opening the market, dates and times are to be provided. No Licence will be required for the farmer's market participants during these exact times.

## 7. LICENCE FEES AND LICENCE PERIOD:

- 7.1. No Licence shall be issued or renewed to a person until that person has paid the Village the prescribed fee for the classification of business set out in the current Village of Burns Lake Fees and Charges Bylaw.
- 7.2. Licence fees are based on the type of business being operated. The categories include Full Annual Licence, Seasonal Licence, Temporary Vendor Permit and Non-Profit Organization Licence.
- 7.3. A Licence must be refused by the Licence Inspector before a Licence fee paid under this bylaw will be refunded.
- 7.4. A Licence issued pursuant to this bylaw is in effect for a period of twelve months and expires on the 31<sup>st</sup> day of December each year.
- 7.5. The Licence fee prescribed in Section 5 of this bylaw will be reduced by  $\frac{1}{2}$  for any person who becomes liable for a full Licence after June 30 of any year, excluding seasonal Licences and temporary permits.

## 8. TRANSFER OF A LICENCE:

- 8.1. In the event of a change of ownership of the business for which a Licence is issued, the new owner must apply for a new Licence.
- 8.2. No person to whom a Licence has been issued under this bylaw shall change the location of the premises named on the Licence without making an application to the Licence Inspector for a transfer of the existing Licence and being granted it.
- 8.3. The Licence Inspector may refuse the transfer of a Licence if the operation of the business or new premises does not comply with this and other bylaws of the Village.

8.4. A person must notify the Licence Inspector when a business no longer requires a Licence.

9. REFUSAL OF LICENCE:

9.1. The Licence Inspector may refuse an application for a Licence if:

- a. The premises of the proposed business does not meet the requirements of the Village's bylaws regulating business, land use or fire;
- b. The business is prohibited by another Village of Burns Lake bylaw or federal or provincial act or regulation;
- c. A Licence for the same business is currently cancelled or suspended under this bylaw, and the terms for reinstatement have not been met;
- d. The applicant has not provided a copy of current certification, Licence or letter of approval from the governing before a Licence may be issued.

10. SUSPENSION OF LICENCE

10.1. The Licence Inspector may suspend a Licence if:

- a. the premises of the business ceases to meet a requirement of the Village's bylaws regarding business, building, land use or fire; or
- b. the certificate, Licence or letter of approval from a governing body has lapsed or been suspended.

10.2. When the Licence Inspector suspends a Licence, the Licence Inspector must issue a notice of suspension in writing. A notice of suspension must:

- a. Give the reason for the Licence; and
- b. Provide a list of requirements which must be met in order to have the Licence reinstated;
- c. Inform the person that the Licence may be cancelled in the terms of the Notice of Suspension are not met within the stated time frame;
- d. Inform the person of the right to appeal the suspension and the procedure of the appeal; and
- e. Be signed by the Licence Inspector

## 11. CANCELLATION OF A LICENCE

- 11.1. The Licence Inspector may cancel a Licence when a person has been suspended and does not meet the requirements stated in the notices of suspension within the stated time frame.
- 11.2. When the Licence Inspector cancels a Licence, notice must be given to the person in writing. A notice of cancellation must:
  - a. Give the reason for the cancellation of the Licence; and
  - b. Inform the person of the right to appeal the cancellation and the procedure for the appeal; and
  - c. Be signed by the Licence Inspector.
- 11.3. The Licence Inspector may post a notice of cancellation of a Licence on the premises for which the Licence was issued. The notice must not be removed until:
  - a. The person ceases to occupy the premises; or
  - b. A new Licence is issued.

## 12. APPEAL

- 12.1. A person whose Licence has been suspended or cancelled may appeal the decision of the Licence Inspector by submitting a notice of intention to appeal. The notice must:
  - a. Be made in writing; and
  - b. State the grounds upon which the appeal is based; and
  - c. Be delivered to the Chief Administrative Officer.
- 12.2. The Chief Administrative Officer, upon receiving the notice of intention to appeal, must:
  - a. Refer the matter to Council to set up a time and place for a hearing; and
  - b. Give reasonable notice to the appellant of the time and date for the hearing

13. LICENCE INSPECTORS:

13.1. The Licence Inspector may:

- a. enter any real property or other places at any reasonable time to ascertain whether the regulations and provisions of this bylaw are being complied with;
- b. issue or transfer a Licence if satisfied that the person for which the application pertains has complied or is in the process of complying with a bylaw or bylaws of the Village regulating business, building, land use or fire;
- c. renew a Licence, unless aware at the time of the renewal that the Licensee or premises from which the business is operated are no longer in compliance with the provisions of this bylaw;
- d. impose terms and conditions in respect to the issuance, transfer, renewal or reinstatement of a Licence under this bylaw and require the Licensee to provide evidence to the satisfaction of the Licence Inspector of compliance with such terms or conditions;
- e. suspend or cancel a Licence for reasonable cause, including where a person:
  - i. has failed to comply with a term or conditions of a Licence;
  - ii. the person's premises cease to comply with a bylaw regulating business, building, land use, or fire;
  - iii. is convicted of an offence under an Act or bylaw in respect of the business for which the Licence has been issued or with respect to premises named in the Licence;
  - iv. is deemed, under the *Offence Act*, to have pleaded guilty to an offence under a bylaw in respect of the business or with respect to the premises named in the Licence;
- f. refuse a Licence where satisfied that the applicant or premises named in the application are not in compliance with this bylaw.

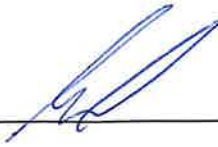
READ A FIRST TIME ON THE 14 of FEBRUARY, 2023

READ A SECOND TIME ON THE 14 of FEBRUARY, 2023

READ THIRD TIME ON THE 14 of FEBRUARY, 2023

ADOPTED on **February 28 , 2023**





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Mayor



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Corporate Officer

Certified to be a true copy of the Corporation of the Village of Burns Lake Business Licence Bylaw No. 1054, 2023.