



## **BUSINESS LICENCE BYLAW NO. 1124**

**(CONSOLIDATED TO FEBRUARY 2019)**

**All persons making use of this consolidation are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only, and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law.**

**Any parts of the original bylaw or original bylaw as amended and schedules which have been repealed have not been included in this consolidation.**

## SCHEDULE OF AMENDMENTS

### TEXT

Amending Bylaws are identified by a Bylaw Number in the left hand margin and text style. For the exact amendment wording, refer to the amending bylaw.

Bylaw	Adopted	Amendment
1239	May 5, 2008	Added new definition Added Section 3(e)
1257	September 8, 2008	Delete reference to Bylaw No. 1123 Added new definitions Replaced Section 32
1433	August 13, 2018	Amended Sections: 2,9,12,13,14,18,19,21,27,33 & Division 3. Deleted Sections: 11, 20 & 35 Sections were renumbered accordingly
1448	February 11, 2019	Added new Definition <i>"Indoor or Outdoor Market"</i>

# BUSINESS LICENCE BYLAW

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## BYLAW NO. 1124

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*A bylaw to provide for the Licencing and Regulation of Businesses*

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*WHEREAS the Local Government Act empowers Council of the District of Hope to provide for the licencing and regulation of businesses in the Municipality;*

*NOW THEREFORE the Municipal Council of the District of Hope in open meeting assembled, enacts as follows:*

1. This bylaw may be cited for all purposes as the District of Hope “Business Licence Bylaw, 2003, No. 1124”.
2. **DEFINITIONS:**

In this bylaw:

“**Business**” means carrying on a commercial or industrial undertaking of any kind or nature or providing 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.

“**Business Day**” means any calendar day, including any holidays, during which a second hand dealer or pawnbroker is open for business to one or more members of the public. **(AM #1257)**

“**Concession Stand**” means a self contained, stationary unit from which food products are offered for sale.

“**Contractor/Sub-Contractor**” means a person who carries on a business of performing construction, alteration or repair work upon a building or other structure; the owner-operator of machinery and/or mobile equipment for road building, excavating, ground moving, blasting or transportation purposes.

“**Co-Operative**” means an enterprise or organization owned by and operated for the benefit of those using its service.

“**Drug Paraphernalia**” means any goods, products, equipment, things or materials of any kind primarily used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in the Controlled Drugs and

Substances Act (R.S.C) as may be amended from time to time, but does not include a controlled substance that is permitted under that Act. **(AM #1239)**

**“Employee”** means a person engaged on a full time or part time basis in the operation of a business, whether employed on a salaried, commissioned or other basis, and includes any owners, partners or principals engaged in the operation of the business.

**“Enterprise”** means a business organization that has an administrative and functional structure for operating.

**“Fire Prevention Officer”** means a member of the District of Hope Fire Department authorized by the District Council or the Fire Chief to inspect premises under this bylaw.

**“Home Occupation/Accessory Home Business”** means a business as an accessory and subordinate to the residential use of a dwelling and cannot alter the residential appearance or character of the building in which it is located. In addition, the business owner has to reside in the dwelling on a permanent basis.

**“Indoor or Outdoor Market”** means the carrying on of a business, with several market stalls all under one permanent roof, in a building, or outdoors on one private property, which organizes a group of merchants, vendors or participants to gather to offer handicrafts, produce and vegetables, food (with Health approval), new and used goods or other merchandise for sale, but does not include a garage sale. **(AM#1448)**

**“Improvement”** means anything constructed, or added to, in, upon or under land.

**“Licence”** means a valid business licence issued pursuant to this bylaw.

**“Licencee”** means the person who holds a Licence.

**“Licence Inspector”** means every person employed from time to time as the Director of Corporate Services, Deputy Director of Corporate Services or Director of Finance, for the District of Hope. **(AM #1433)**

**“Mobile Vendor”** means a person who, either on his own account or as an officer, servant, or agent of another, sells or offers for sale goods or food from a mobile truck or other vehicle.

**“Non-Resident Business”** means a business, other than a resident business, which performs services or works in the Municipality and includes a business in which goods are sold from a vehicle parked in the Municipality.

**“Pawn”** means the activity to deposit goods and chattels as security for the payment of money or other consideration. **(AM #1257)**

**“Pawnbroker”** means a business where goods or chattels are taken in pawn. **(AM #1257)**

**“Peddler”** means a person, group of persons or entity who goes from community to community, place to place, house to house or business to business offering for sale, selling or vending on any street, lane or public place in the Municipality goods, wares, merchandise or services.

**“Premises”** means a building, portion of a building or an area of land where a business is carried on.

**“Second Hand Stores”** means a business conducting the business of purchasing or selling secondhand or used goods or chattels but does not include secondhand clothing stores, thrift stores, antique dealers, auctioneering establishments, flea markets, recycling depots or used vehicles. **(AM #1257)**

**“Real Estate Licencee”** means a person who is a licensee under the Real Estate Act and who occupies or uses premises in the District for the carrying on of the person's business.

**“Resident Business”** means a business carried on in or from premises within the Municipality.

**“Yard/Garage Sales”** means a one time sale of surplus personal items.

## **DIVISION 1 – BUSINESS LICENCING**

### **LICENCE REQUIREMENTS**

3. (a) Every owner or operator of a business in the Municipality shall hold a valid licence issued under this bylaw.
- (b) Every person who carries on business from more than one premise in the District shall obtain a separate licence for each premise.
- (c) Each owner or operator of a business engaging in business, not display only, in an exhibition or trade show shall obtain a business licence unless otherwise licenced.
- (d) The following are not required to hold a business licence in the District of Hope:
  - i) a performance, concert, exhibition or entertainment for which the entire proceeds, above actual expenses, are devoted to a charitable purpose and/or it is designated a ‘Special Event’ governed by the regulations and fees as per the current District of Hope Fees and Charges Bylaw **(AM #1257)**;

- ii) a performance, concert, exhibition, entertainment or concession which is held in a licenced theatre or other licenced place;
  - iii) a non-residential business that delivers wholesale goods to local retailers and/or installs furniture, equipment and machinery purchased from a non-residential supplier where the cost of installation is included in the purchase. This however does **not** include non-residential contractors or subcontractors as defined in this bylaw and doing business in the Municipality;
  - iv) for day care services to not more than two unrelated children, or to the children of one family, by a person who is not related to those children;
  - v) a business of letting or renting rooms or suites, where not more than two rooms or suites are available, the owner lives in the dwelling unit, the dwelling unit remains as a single legal Title and the interval at which rent is payable on the suite or rooms is one month or longer; and
  - vii) for a yard or garage sale limited to one weekend at three month intervals (4 times per annum).
- (e) No person carrying on a business shall: **(AM B#1239)**
- i) Display or permit to be displayed on a street, or in a window facing a street, or elsewhere it can be seen by a person outside the premises, any drug paraphernalia.
  - ii) except where the premises are licenced as a pharmacy under the Pharmacists Act, sell drug paraphernalia to any person under the age of 19 year.

## **EFFECT OF LICENCE**

4. (a) A licence is applicable only to the business described in the licence, and only at the premises or locations described in the licence.
- (b) A licence is not a representation or warranty that the licenced business or the business premises complies with the bylaws of the District or with any other regulations or standards.

## **LICENCE PERIODS**

5. Subject to Sections 6 and 7, or where the period varies as per the current District of Hope Fees and Charges Bylaw, annual licences shall be granted for a period commencing each January 1<sup>st</sup> and expiring each December 31<sup>st</sup> **(AM #1257)**.
6. The licence period for a theatre including a drive-in theatre, amusement hall, concert hall, music hall, rink, amusement park or other place of amusement,

entertainment or exhibition, may be one year, six months, or three months and the period requested shall be by written application.

7. The licence period for a circus, concert, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be on a daily basis and the number of days shall be by written application.
8. The licence period for a seasonal business, operating six months or less, shall be six months.

### **INITIAL LICENCE APPLICATIONS**

9. An application for an initial licence shall be made by completing and submitting a Business Licence Application Form and shall be signed by an owner or operator of the business or the owner or operator's duly authorized agent. **(AM#1433)**
10. A separate application form is required for each business.

### **LICENCE FEE**

11. Every owner or operator of a business who obtains a licence shall pay, the applicable licence fee as classified and set out in the current "District of Hope Fees and Charges Bylaw" provided that: **(AM #1433)**
  - (a) An annual licence fee prescribed in the bylaw shall be reduced by one-half in respect of a licence issued after July 31<sup>st</sup> in any year; **(AM#1433)**
  - (b) Licences shall be issued for the current year until the 1<sup>st</sup> day of November, after which a licence for the next year shall be issued; and **(AM#1433)**
  - (c) No refund of an annual licence fee shall be made to any person ceasing to do business at any time. **(AM#1433)**

### **LICENCE RENEWAL**

12. Business licence renewal notices shall be forwarded to the Licencee on or before December 1st. A Licencee who proposes to renew a licence shall submit the annual licence fee to the Municipal Office for processing prior to expiry of the licence on December 31<sup>st</sup>. The Licencee shall ensure that the business licence is renewed as required annually, whether notice is given or not. **(AM#1433)**
13. If the licence is not renewed within 60 days after January 1, as required by Section 12, the licence shall be terminated, applicable fines shall be applied and the District of Hope may post a notice of business licence termination at the business premises and on the Municipal website. **(AM#1433)**

### **DISCOUNT OF LICENCE FEE AND LATE PAYMENT PENALTY**



14. Each annual renewal licence fee imposed by this bylaw shall be discounted by ten percent (10%) if payment is received by the District on or before the 15<sup>th</sup> day of December of the year preceding the commencement of the licence period.
15. A late payment penalty of ten percent (10%) will be charged if the annual renewal licence fee imposed by this bylaw is paid after the 31<sup>st</sup> day of January.

### **TRANSFER OF LICENCE**

16. Licences shall not be transferred from person to person, business to business or premises to premises without first making application under this Section.
17. Any person proposing to obtain a transfer of a licence with respect to a change of premises shall complete a Business Licence Application Form and the powers, conditions, requirements and procedures relating to the initial licence application apply, except the initial licence fee may be replaced by a transfer fee as per the current "District of Hope Fees and Charges Bylaw". **(AM 1433)**
18. Any person proposing to obtain a transfer of a licence held by any other person shall complete a Business Licence Application Form and the powers, conditions, requirements and procedures relating to the initial licence application apply, except the initial licence fee may be replaced by a transfer fee as per the current "District of Hope Fees and Charges Bylaw". **(AM 1433)**

### **CHANGES IN BUSINESS**

19. No Licencee shall change any condition on which the licence fee is based without first completing a Business Licence Application Form and paying any additional licence fee applicable as per the current "District of Hope Fees and Charges Bylaw". **(AM #1433)**

### **DISPLAY OF LICENCE**

20. Every Licencee shall keep the licence posted in a conspicuous place on the premises for which the licence is issued. Where the Licencee has no business premises in the District, the licence shall be carried upon the Licencee's person at all times when engaged in the business for which the licence was issued within the District of Hope.
21. The District of Hope may display the name, type of business, address and contact number of all valid licence holders on the Municipal website.

### **LICENCE INSPECTIONS**

22. A Licence Inspector may grant a licence upon being satisfied that the applicant has complied with the bylaws of the District regulating building, zoning, health, sanitation and business.

23. Every Licence Inspector, Building Inspector, Fire Prevention Officer, Medical Health Officer and Bylaw Enforcement Officer of the District may enter, at all reasonable times, on any property that is subject to this bylaw to ascertain whether the regulations and bylaws are being observed and may make recommendations to the Licence Inspector.
24. A Licence Inspector may suspend any licence for the period decided by the Licence Inspector if the Licencee:
- (a) is convicted of an offence indictable in Canada;
  - (b) is convicted of an offence under any municipal bylaw or statute of the Province in respect of the business for which the person is licensed or with respect to the premises named in the Licence;
  - (c) has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in the licence that it warrants the suspension of the licence;
  - (d) has ceased to meet the lawful requirements to carry on the business for which the person is licensed or with respect to the premises named in the licence; or
  - (e) if the licensee is in contravention of Municipal bylaws.
25. A person whose licence has been suspended under Section 24 may appeal to Council, which may on the appeal, confirm or set aside the suspension on the terms it thinks fit. **(AM#1433)**

## **DIVISION 2 – BUSINESS REGULATION**

### **CONTROL OF REFUSE**

26. All Mobile Vendors, Take-Out-Food Businesses, including Food Convenience Stores shall provide on-site receptacles for garbage and recyclable materials, and dispose of the waste in an appropriate manner. Drive-In and Drive-Through Businesses shall provide site receptacles at each entry and exit point of the property, in addition to other locations for pedestrian traffic.

### **CONTRACTORS**

27. Every person licenced as a Contractor shall provide the Building Inspector with a list on a form provided by the Building Inspector of all sub-trades to be engaged on each specific site, prior to commencement of any work on the site.

### **MOBILE VENDORS**

28. The owner or operator of a Mobile Vending business:

- (a) shall have the name and address painted in a conspicuous place on both sides of every vehicle used by the business for such trade, satisfactory to the Licence Inspector;
- (b) shall not allow their vehicle to stand on any highway in the District for a longer period at any one time than may be required in making a sale and delivery of any commodity to a customer to a maximum of fifteen (15) minutes at any one place on any highway, nor shall such vehicle be allowed to stand or remain on any highway within the block bounded by intersecting streets for a longer period than ten (10) minutes during any period of one hour while engaged in the carrying on of his business;
- (c) shall provide on-site receptacles for garbage and recyclable materials, and dispose of the waste in an appropriate manner;
- (d) shall not allow their vehicle to stand upon any highway in a manner that would inhibit traffic flow;
- (e) shall not operate between the hours of 9:00 p.m. and 8:00 a.m.; and
- (f) shall not be or become a nuisance by generating excessive odors, music, light, or noise.

## **HOME REPAIRS**

- 29.** No person shall, without instructions from the owner or occupier of the premises, attend upon or canvass at any residential premises for the purpose of soliciting business that is in any way connected with home and property repairs or alterations.

## **PAWNBROKERS AND SECOND HAND STORES**

- 30.** All licenced persons purchasing, taking in barter, or receiving used or secondhand goods shall notify the Officer-In-Charge of the Hope Detachment of the Royal Canadian Mounted Police, within seven (7) days after receiving such goods by delivering a list of the articles, on a form provided by the local RCMP detachment. This information is to be provided on the first day of business of each week. No person shall alter the form, or sell exchange or otherwise dispose of these goods before the form has been submitted, or within 24 hours after the form has been submitted to the Hope RCMP Detachment. **(AM #1257)**

## **DIVISION 3 – GENERAL REGULATIONS**

### **CLASSIFICATION**

- 31.** For the purposes of this bylaw, businesses are classified in accordance with the current “District of Hope Fees and Charges Bylaw (Business Licence section)” and as permitted under the current “District of Hope Zoning Bylaw”. **(AM #1433)**

32. Where a business, including home occupation, has more than one use touching in multiple categories, as outlined in the “District of Hope Fees and Charges Bylaw”, the fee will be based on the highest category fee. **(AM#1433)**

### **SEVERABILITY**

33. 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**

34. 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 than two thousand dollars (\$2,000.00).

### **TRANSITIONAL**

35. This bylaw shall come into effect on the date of its final adoption.

### **REPEALS**

36. The District of Hope Business Licence Bylaw No. 26/93, 1993, District of Hope Business Licence Amendment Bylaw, No. 58/93, 1993 and the District of Hope Business Licence Amendment Bylaw, No. 21/95, 1995 are hereby repealed.

***Read a first time by the Municipal Council this 14<sup>th</sup> day of October, 2003***

***Read a second time by the Municipal Council this 14<sup>th</sup> day of October, 2003***

***Read a third time by the Municipal Council this 14<sup>th</sup> day of October, 2003***

***Adopted by the Municipal Council of the District of Hope this 27<sup>th</sup> day of October, 2003***

*“Gordon Poole”*

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**Mayor**

*“Kelly Ridley”*

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**Director of Corporate Services**

Certified copy of the “Business Licence Bylaw, 2003, No. 1124” as revised in accordance with the Bylaw Consolidation Authority Bylaw No. 1286, 2009 and all amendments thereto.

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Corporate Officer