

VILLAGE OF CHASE

BYLAW NO. 735 - 2011

**A BYLAW AUTHORIZING THE ISSUANCE OF BUSINESS LICENCES AND THE
REGULATION OF BUSINESSES WITHIN THE VILLAGE OF CHASE**

WHEREAS the Community Charter authorizes a Council to enact a bylaw to regulate businesses within its boundaries;

AND WHEREAS the Council of the Village of Chase deems it necessary to provide for the regulation of businesses within the Village of Chase;

NOW THEREFORE the Council of the Village of Chase, in the Province of British Columbia, hereby **ENACTS AS FOLLOWS:**

1. Title

This Bylaw may be cited as "*BUSINESS LICENCE BYLAW NO. 735 - 2011*".

2. Repeal

Business Licence Bylaw No. 616 - 2001 and all amendments thereto are hereby repealed in their entirety.

3. Definitions

In this Bylaw:

APPLICANT means any Person who makes application for a Business License under the provisions of this bylaw.

BUILDING RENTAL BUSINESS means a Business for the purpose of renting or leasing, residential, commercial or industrial or other real estate, where the Business has available for rent or lease, three (3) or more units.

BUSINESS means the carrying on of a commercial or industrial undertaking of any kind or the providing of professional, personal or other services for the purpose of gain or profit whether only based within the Village of Chase or actually operating within the Village, and shall include subsidiary operations which are a demonstrably integral part of the principal Business. Individually licensed businesses shall be differentiated by type of business irrespective of joint ownership or co-location. Business includes Home Occupation. Due to Chase being a regional Postal Outlet, the location of a Business will be determined by the civic address given on the application.

BUSINESS LICENCE means a licence issued to a Business pursuant to this bylaw for the operation of an individual Business within the Village of Chase.

CORPORATE OFFICER means the Person duly appointed as such from time to time by the Council.

COUNCIL means the Council of the Village of Chase.

DIRECT SALES means solicitation door to door, business to business, or by telephone, for the purposes sales. This includes the posting of brochures/posters but does not include Home Occupation – Mobile Operator.

HIGHWAY means a lane, street, road, bridge, sidewalk, viaduct and any other way open to the use of the public but does not include a private right-of-way on private land.

HOME OCCUPATION means any Business carried on by a resident of a dwelling unit which is clearly incidental to the use of the dwelling unit for residential purposes. Home Occupation must conform to the relevant provisions of the Village of Chase Zoning Bylaw and its amendments in force from time to time.

HOME OCCUPATION – MOBILE OPERATOR means any Business that operates either as a mobile business or at other temporary locations and identifies a dwelling as their business address.

ITINERANT SHOW/EXHIBITION means any show or exhibition which displays for the public, invites the public to participate in, or entertains the public on a temporary basis only, on premises rented, leased or otherwise obtained for the purposes thereof, and to which the public is either generally invited or by private invitation regardless of whether or not an admission fee is charged.

LICENCE INSPECTOR means the Corporate Officer, Deputy Corporate Officer or other designate appointed by the Council for the purpose of administering this bylaw.

PEACE OFFICER means any member of the RCMP or any Bylaw Enforcement Officer appointed from time to time by the Village.

PERSON means, in addition to its usual connotation, shall include a firm or partnership, association, company, society, body corporate, and the singular shall mean and include the plural, masculine, feminine and converse.

PUBLIC UTILITY means a Public Utility as defined by the Utilities Commission Act.

VILLAGE means the Village of Chase.

The use of words signifying the masculine shall include the feminine.

4. Licence Required

No Person shall carry on a Business within the Village of Chase without first having obtained and paid for a Business License pursuant to this bylaw.

5. Compliance with Bylaws and Enactments

Where any Federal or Provincial Act or Regulation or any other Village bylaw applies to any matter covered by this bylaw, the issuance of a Business License under the provisions of this bylaw shall not relieve the licensee from complying with the provisions of such enactments. The License Inspector may refuse to grant a license for a Business where the premises upon which the Applicant wishes to conduct the Business does not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and this bylaw.

6. Application

Every Person applying for a Business License shall complete a Business License Application (Schedule "A" to this Bylaw). The completion and submission of said application is not a Business License and does not grant any right to carry on the intended Business. The application will be reviewed by the License Inspector for completeness and conformity of the proposed Business with Village bylaws.

When the use of a business location changes, prior to issuing a Business License, the Building Inspector must be notified of the change. Once the Building Inspector provides the License Inspector with written assurance that all aspects of the BC Building Code and the Village's Building Regulations Bylaw are being complied with, a Business License may be issued if compliance with any and all other Bylaws, rules and regulations is achieved and payment of the required fee is received.

7. Fees

The fees payable for Business Licenses are those set forth in the Village of Chase Fees and Charges Bylaw, as amended from time to time, and no license shall be issued until the fee has been paid to the Village and the License Inspector has approved the granting of the license.

8. Separate License Premises

For the purpose of this bylaw, where a Business is carried on, in or from more than one premises, the Business carried on, in or from each premises shall be deemed a separate and distinct Business, except for a Building Rental Business, which may rent or lease suites from more than one premises under a single Business License.

9. Transfer

No Business License shall be transferred from one Person in respect of certain premises to that same Person in respect of another premises, without prior approval of the License Inspector, and the payment of the required transfer fee outlined in the Village of Chase Fees and Charges Bylaw. Such transfer shall be refused by the License Inspector where the premises to which the Applicant wishes to transfer the license do not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and business, or any other rules and regulations.

10. Display License

The Business License holder or Person in charge or control of the premises wherein the Business is carried on or practised, shall at all times keep the Business License prominently displayed in the sales or reception area of the premises to which the public has access, or an area designated by the License Inspector.

11. Notify Changes

Every holder of a Business License shall notify the License Inspector of any change in the mailing and/or Business address, the classification of the Business, or any alteration to the premises in which the Business is carried out, and upon the termination of the carrying on of the Business by the Business License holder, he/she shall notify the License Inspector that the Business License is no longer required and shall surrender the Business License to the License Inspector.

12. Application

Every Person applying for a Business License, transfer of Business License, or assignment of a Business License shall complete an application form in the form of Schedule "A" Business Licence Application, to this Bylaw.

13. Qualification Certificate

Any Person applying for a Business License for any Business governed by any Federal or Provincial statute shall supply proof to the License Inspector of his/her qualifications or of the qualification of his/her employees to carry on such a Business.

14. License Period

- (1) Except as provided for in Schedule "A", Business Licenses shall be granted for a one-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.
- (2) Business License holders are required to renew their Business License by submitting the required fee prior to April 1st each year.

15. Assignment on Sale of Business

In the event of a sale of the Business for which the Business License is issued, the License Inspector may permit an assignment of the Business License to the purchaser of the Business on an application for assignment upon receipt of the fee outlined in the Village of Chase Fees and Charges Bylaw. Such transfer shall not, however, be approved if the proposed assignee is not a Person qualified under the terms of this or any other bylaw to carry on the Business for which the Business License was issued, or if the premises do not comply with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and business or any other rules and regulations.

16. Granting and Suspension

- (1) The License Inspector may grant a Business License where he is satisfied that the Applicant has complied with all the requirements of the bylaws of the Village, and may suspend, for such a period as he may determine, any Business License if the holder of the Business License:
 - (a) is convicted of an indictable offence in Canada where that offence is related to the nature of the Business for which the Business License has been issued;
 - (b) is convicted of an offence under any Village bylaw or statute of the Province in respect of the Business for which he/she is licensed or with respect to the premises named in the Business License;
 - (c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect to the premises named in his/her Business License as to warrant the suspension of the Business License;
 - (d) has ceased to meet the lawful requirements to carry on the Business for which he/she is licensed or with respect to the premises named in the Business License;
 - (e) has failed to comply with a term or condition of the Business License,
- (2) Any Person whose Business License has been suspended under this section may appeal to Council, and upon appeal, the Council may confirm or may set aside the suspension on such terms as it may think fit.
- (3) The Council may revoke a Business License for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- (4) The License Inspector may, upon receiving an application for a Business License, refer the decision of granting or refusing to grant such a Business License to Council, who, for that purpose, may conduct a hearing.

- (5) The suspension of a Business License by the License Inspector shall be made by notice in writing signed by the License Inspector and served on the Person holding such Business License or delivered to the holder of such Business License by registered mail to the address given by the licensee on the Business License Application. A notice of such suspension of the Business License may be posted by the License Inspector upon the premises for which the Business License was issued and such notice shall not be removed until the Business License is reinstated, the former licensee ceases to occupy the premises, or a new Business other than the one carried on by the former licensee is started in the premises, whichever first occurs.

17. Family, Group Day Care and Community Care Facilities

Applicants under this category must provide verification that they are licensed pursuant to all relevant Provincial and Federal statutes.

18. Taxicab, Limousine and Bus Service

- (1) Upon application, taxicab, limousine and bus operators will be issued one Business License for their Business. Each vehicle operated by the Business must comply with all provincial legislation.
- (2) Every Business operating a taxicab, limousine or bus in the Village shall operate from an established place of business.
- (3) Every Applicant for a Business License to operate a taxicab, limousine or bus Business shall furnish at the time of application, the name(s) of the owner(s) of the vehicle(s) which will operate under the Business License and the motor vehicle license number of all such vehicles.

19. Tow Trucks

No Person shall operate a vehicle as a tow truck unless the operator has produced to the License Inspector proof that the vehicle and any driver thereof is covered by and Insurance Policy for Public Liability in an amount of at least two million dollars (\$2,000,000.00).

20. Tow Truck Compounds

All Persons carrying on the Business of operating tow trucks or maintaining compounds for the storage of vehicles towed to those compounds by tow trucks shall ensure that the premises conform to the storage and screening requirements of the Village of Chase Zoning Bylaw.

21. Use of Highways and Parks

No Person shall offer for sale any goods or merchandise on Highways or in a Park within the boundaries of the Village of Chase unless they have first complied with all applicable Village Bylaws and permission by resolution of Council is granted.

22. Special Events

Council may, by resolution, allow multiple vendors to do business in a Park for special events such as Canada Day without a Business License. Individual vendors at the seasonal Chase Farmer's Market may also operate without a Business License.

23. Refund of Fees

If a Business License application is refused by the Village of Chase, or if a Business License application is cancelled by the Applicant prior to the issuance of a Business License, the Village will refund the submitted fee less a thirty-five dollar (\$35.00) processing fee. Where a Business License has been applied for and a Business License issued, the License Inspector may refund fifty percent (50%) of the Business License fee if the Business has clearly not been in operation. Where a Business has been in operation, there will be no refund of the Business License fee.

24. Enforcement

A Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and is authorized and may apply a penalty in accordance with section 25 if deemed necessary.

25. Offences and Penalties

(1) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:

(a) a fine in accordance with Village of Chase Municipal Ticket Information Bylaw if an information respecting the infraction is laid by means of a ticket; or

(a) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

26. Severability

If any section, subsection, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

27. Repeal

Village of Chase Business License Bylaw No. 616 - 2001 and all amendments thereto, are hereby repealed.

28. Schedule "A"

Schedule "A", Business Licence Application is attached to, and forms part of this Bylaw.

READ A FIRST TIME THE 12th DAY OF APRIL, 2011.

READ A SECOND TIME THE 26th DAY OF APRIL, 2011.

READ A THIRD TIME THE 26th DAY OF APRIL, 2011.

ADOPTED THE 12th DAY OF JULY, 2011

X
Mayor

X
Corporate Officer

Schedule "A" to Bylaw No. 735 - 2011
Village of Chase
Business License Application

Name of Business _____

Business Street Address _____

Business Mailing Address _____

_____ Postal Code _____

Business Phone Number _____ Business Fax Number _____

Type of Business _____

Home Based Business Yes No Number of Employees _____

Name of Business Owner _____

Address of Owner _____ Postal Code _____

Name of Operator (if different from Owner) _____

Address of Operator _____

_____ Postal Code _____

Operator's Home Phone Number _____ Is the Property Owned Leased

Name of Property Owner (if leased) _____

Address of Property Owner _____ Postal Code _____

Number of Units (campsites, rooms) _____ Number of Seats (restaurant/pub) _____

Other Permits or Licenses Required: Film Classification Ministry of Environment Permit
(attach approval)

Liquor Licence Health Permit
 Fire Inspector Other _____

I understand that a Business License is an annual requirement and must be renewed each year; that my Business may require permits or licenses from other government agencies; that satisfactory proof of their approval must be provided prior to the issuance of a Business License; that my Business must abide by the bylaws of the Village of Chase which include a sign regulation and water, sewer and waste disposal bylaws which may establish annual or other rates to be paid for certain services; that these rates also apply to home based businesses; that any fees for services payable are effective the date of issuance of this permit; and, that this Business License is issued on the condition that any changes to the information provided will be provided immediately to the License Inspector. I hereby submit my application for Business License and fully understand the conditions contained herein.

Signature of Applicant

Date of Application

For Office Use Only

Property Zoned: _____

Is Proposed Use Permitted: Yes No

Other Agency Approval Required Yes No (specify) _____

Other Permits or Licenses Required: Ministry of Environment Permit (attach approval)
 Film Classification Liquor Licence
 Health Permit Fire Inspector
 Other

Building Inspector Approval Required Yes No (specify) _____
when change of use occurs

Council Approval Required Yes No _____

Copy of approval provided Yes No

License Type:
 Home Occupation
 Home Occupation (Mobile Operator)
 Other Business
 Direct Sales
 Other Business not based in Chase
 Based Outside of Chase
 Multiple-Unit Residential

Fee _____

Approved _____ Denied _____

License Inspector

Date

Comments: