

Town of Lake Cowichan

BYLAW NO. 777-2003

A Bylaw for the Licensing and Regulation of Businesses within the
Town of Lake Cowichan

WHEREAS Section 653 of the *Local Government Act* authorizes Council to regulate business activities and persons engaged in business within the boundaries of the Town of Lake Cowichan;

AND WHEREAS Council deems it expedient and necessary to establish such provisions as are necessary for the regulation of businesses and the establishment of license fees in Lake Cowichan;

NOW THEREFORE the Municipal Council of the Town of Lake Cowichan in open meeting assembled, enacts as follows:

1. Title

1.1 This Bylaw may be cited for all purposes as the "Business Licence Bylaw No. 777-2003".

2. Interpretation

2.1 In this Bylaw:

BUSINESS shall mean the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal or other services, but does not include an activity carried on by the government, its agencies or government owned corporations;

COUNCIL shall mean the Council of the Town of Lake Cowichan;

INTERMUNICIPAL BUSINESS LICENSE AGREEMENT shall mean the agreement attached to and forming part of the "Intermunicipal Business License Agreement Bylaw 773-2003;

INTERMUNICIPAL LICENCE shall mean a business licence issued by the Town of Lake Cowichan or another participating Municipality, to carry on business within the boundaries of any participating municipality and issued pursuant to the Intermunicipal Business License Agreement;

LICENCE shall mean a business license issued to carry on business within the Town of Lake Cowichan under this bylaw;

LICENSEE shall mean a business entity, which holds a licence to operate a business within the Town of Lake Cowichan under this bylaw;

LICENSE INSPECTOR shall mean the person appointed from time to time as the License Inspector or any person lawfully acting in that capacity;

LOCATION shall include stores, offices, warehouses, factory buildings, houses, enclosures, yards or other places occupied, or capable being occupied by a business entity for the purpose of carrying on a business;

PREMISES shall include stores, offices, warehouses, factory buildings, houses, enclosures, yards or other places occupied, or capable being occupied by a business entity for the purpose of carrying on a business;

PARTICIPATING MUNICIPALITY shall mean a municipality which is party to the Intermunicipal Business License Agreement.

STREET VENDOR shall mean a business utilizing a motor vehicle or unit for the



purpose of vending food, books, newspapers, flowers and non-alcoholic beverages;

TOWN shall mean the Town of Lake Cowichan;

3. Licensing

3.1 Subject to Section 658 of the *Local Government Act*, Council shall:

- (i) require an owner or operator of business to hold a valid and subsisting licence for the purpose of carrying on a business;
- (ii) require that an application for a business licence be approved prior to conduct of any business activity within the Town;
- (iii) require a separate licence for each location where a business operates within the Town.

3.2 A valid licence will permit a business to carry on the specific activities described in the license application. A licensee must not carry on activities, which contravene the provisions of this bylaw. When a business entity undertakes new activities, a new business licence may be required.

3.3 A licence issued under this bylaw is not to be deemed to be a representation by the municipality to the licensee that the business or proposed business complies with any or all applicable by laws or other enactments and the licensee is responsible to ensure compliance with bylaws and other enactments.

3.4 Every licence issued under this bylaw is deemed to be a personal Licence granted to the Licensee, to carry on the business specified in the Licence from premises specified in the Licence, and is not transferable to any other person.

3.5 The owner or operator of a business shall not change the location of the business without first obtaining a transfer of the Licence for that business in accordance with this Bylaw.

3.6 Every licensee shall notify the License Inspector in writing of:

- (a) any change in the type or nature of the business.
- (b) any change in the type or nature of goods or services provided.
- (c) any change in location.

3.7 A not-for-profit organization registered as a society is not required to obtain business licence.

3.8 An application for a mobile business shall treated as an application for an *Intermunicipal Business License*.

4. License Fee

4.1 Every business in the Town must hold a valid business licence.

4.2 An applicant for a business licence must pay to the Town the applicable license fee for that business as set out in Schedule 'A' of this Bylaw. No licence shall be issued until the fee is paid.

4.3 The applicable license fee must be paid:

- (a) at the time of application for the original business license: and
- (b) on or before the expiration date of the current license if the business is to be carried on beyond the date when the current licence expires.



- 4.4 Unless a licence is denied, no license fee paid under this bylaw shall be refundable.
- 4.5 Where more than one business activity is carried out by a single business entity at any single location, only one business license will be required for that location. A penalty prescribed in Schedule "A" of this bylaw will be added to each unpaid Business License as at March 1 in each year.
- 4.6 For new businesses applying after July 1 in any year, the fee may be reduced to one-half the annual fee.
- 4.7 If an application for a license is withdrawn in writing prior to issuance of the license, the license fee may be refunded to the applicant.
- 4.8 When a person begins to carry on a business prior to July 1 in a year and fails to apply for a license until after July 1 in that year, the license fee prescribed in Schedule "A" of this bylaw shall not be reduced.

5. Term of a License

- 5.1 Licenses required by this bylaw are issued for a calendar year and will expire on the 31st day of December in each year unless otherwise indicated on the business license.

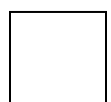
6. Contractors/ Land Developers

- 6.1 A building/construction contractor shall supply to the License Inspector a written list of the names, addresses and telephone numbers of his or her sub trades in the form prescribed in Schedule "B" to this bylaw.

7. Street Vendors

- 7.1 A business entity carrying on a business as a Street Vendor must first obtain a business licence for each Street Vendor cart or unit.
- 7.2 Council may establish areas within the Town of Lake Cowichan in which licensed mobile vendors may operate and may make such regulations for mobile vending, as it deems appropriate.
- 7.3 Despite Section 7.2 before commencing operations in any Town owned or operated park, a business entity must first obtain permission from the Town of Lake Cowichan.
- 7.4 Before commencing operations on private property, a business entity must first supply the license inspector with a written letter of permission from the owner of the property, on which the vendor will be locating.
- 7.5 A business entity carry on business as a Street Vendor must comply with the regulations set out in Schedule "D" of this Bylaw.

8. License Inspector



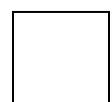
- 8.1 The Council, by resolution, from time to time, may appoint a License Inspector. One or more persons may be designated to assist the License Inspector to administer the provisions of this Bylaw.
- 8.2 Council delegates authority to the License Inspector to issue business licenses pursuant to Section 667 of the *Local Government Act* where he or she is satisfied that the applicant has complied with the bylaws of the municipality regulating building and zoning.
- 8.3 The License Inspector or a Bylaw Enforcement Officer may enter, at all reasonable times on any property to ascertain whether the Town's requirements are being met or regulations are being observed.
- 8.4 An owner or occupier of real property in the Town's shall give to the License Inspector such information and access to that property required to enable necessary investigations to be made.

9. License Suspensions

- 9.1 The License Inspector may, in accordance with Section 660 of the Local Government Act and subject to the right of appeal provided in the Act, suspend a license for the period determined by the License Inspector if the holder of the license:
 - (a) is convicted of an indictable offence;
 - (b) is convicted of an offence under any municipal bylaw or provincial statute in respect of the business or premises for which the holder is licensed;
 - (c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or the premises that suspension is warranted;
 - (d) has ceased to meet the lawful requirements to carry on the business or with respect to the premises named in the license; or
 - (e) has, in the opinion of the License Inspector, conducted 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 sixteen years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.
- 9.2 Written notice of suspension of a license shall be delivered to the licensee personally or by registered mail.

10. Appeal From License Suspensions

- 10.1 A licensee that has had a license suspended by the license Inspector may appeal the suspension in accordance with section 661 of the *Local Government Act*.
- 10.2 A licensee that appeals to the Council from a suspension by the License Inspector shall, within ten (10) days from the date of suspension, give to the Clerk notice in writing of the intention to appeal.
- 10.3 The notice of intention to appeal shall state concisely the grounds upon which the appeal is based.



10.4 The Clerk shall refer the matter to Council in order to appoint a time and place for a hearing and then give to the appellant reasonable notice of the time and date.

11. Revocation Of a Business License

11.1 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.

11.2 A notice of revocation of a license may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the former licensee ceases to occupy the premises, or a new license is issued for the premises.

12. Appeals From License Denied

12.1 Appeals from a decision of the License Inspector to deny a licence may be made to council pursuant to section 661 of the *Local Government Act*.

12.2 The refusal of a licence by the Council is governed by Section 660 of the *Local Government Act*.

13. License Approvals

13.1 All premises in or upon which the applicant proposes to carry on any business may be subject to inspections and approval by any Town Department or Government Agency as deemed necessary by the License Inspector before a business license is granted.

13.2 The applicant shall, upon request by the License Inspector, Bylaw Enforcement Officer or other Town official, produce certificates, letters of approval or other documentation as may be required by Federal, Provincial or Local Government Authorities.

13.3 An applicant whose business is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the License Inspector of his or her employees' qualifications under those acts or Regulations.

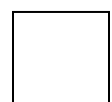
14. Posting Licence

14.1 A license holder shall post and keep posted the licence issued under this Bylaw in a conspicuous area of the premises to which the public has access or in another area designated by the License Inspector.

15. Penalty

15.1 Except as otherwise provided in this Bylaw, a business entity which violates any of the provisions of the Bylaw or which suffers or permits any act or thing to be done in contravention of this Bylaw, or which refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligations imposed by this Bylaw commits an offence and is liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2000.00); or if any information is laid by means of a ticket, in accordance with the fines as set out in Schedule "C" of this bylaw.

15.2 A business entity which commits an offence of a continuing nature against Bylaw is liable on summary conviction to a fine of not less that FIFTY DOLLARS (\$50.00) for each day that the offence is continued.



16. Remainder of Bylaw To Be Maintained Intact

16.1 If any section, subsection, paragraph or subparagraph of this bylaw is declared invalid by a court of competent jurisdiction, then the section, subsection, paragraph or subparagraph, as applicable, shall be severed from the bylaw without affecting the remainder of the bylaw.

17. Schedules A, B, C, and D to this bylaw form part of and are enforceable in the same manner as this bylaw.

18. This bylaw shall take effect on January 1, 2004 upon adoption, whichever is later.

19. Repeal

"Town of Lake Cowichan Business License Bylaw No. 730-2001" and all amendments thereto are repealed on January 1, 2004 or upon adoption of this bylaw, whichever is later.

READ THE FIRST TIME on the 25th day of November 2003.

READ THE SECOND TIME on the 25th day of November 2003.

READ THE THIRD TIME on the 25th day of November 2003.

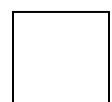
FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 9th day of December, 2003.

Mayor

Clerk

I hereby certify the foregoing to be a true and correct copy of the "Town of Lake Cowichan Business License Bylaw No. 777-2003" as adopted on the 9th day of December, 2003.

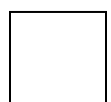
Clerk



SCHEDULE "A"

Attached to and forming part of Bylaw No. 777-2003

BUSINESS LICENSES		Fee if Paid prior to <i>March 1</i> each year	Fee if Paid after the <i>end of February</i> each year (including penalty)	Fee for New Business Licenses issued after <i>July 1</i>
A.	From every business operated from a premises in a commercially zoned property in the Town, an annual fee of:	\$100.00	\$125.00	\$50.00
B.	From every other business operated and permitted in any property within the Town, an annual fee of:	\$100.00	\$125.00	\$50.00
C.	From every business operated from a property outside of the Town, an annual fee of:	\$100.00	\$125.00	\$50.00
D.	From every person who exhibits a public circus or carnival, for each event:	\$200.00	\$200.00	\$200.00

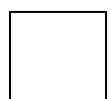


SCHEDULE "B"

Attached to and forming part of Bylaw No. 777-2003

Sub-trade List

Sub-Trade	Trade Name	Owner's Name	Address	Phone
Excavating				
Concrete/Forms				
Framing				
Roofer				
Doors and Windows				
Insulation				
Electrical				
Plumbing				
Drywall				
Painter				
Heating & Air Cond.				
Flooring				
Mech. Equip. Instal.				
Landscaper				
Masonry/Bricklaying				
Metalwork				
Exterior finishing				



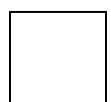
SCHEDULE "C"

Attached to and forming part of Bylaw No. 777-2003

FINE SCHEDULE

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

Descriptions of offence	Section #	Amount of Fine
No business license	3.1	\$100.00
Operating in contravention of business license	3.3	\$100.00
Fail to supply sub-trade list	7.1	\$ 50.00
Fail to notify change in business	6.1	\$ 50.00
Fail to change business address	6.4	\$ 50.00
Disobey suspension order	13.1	\$200.00



SCHEDULE "D"

Attached to and forming part of Bylaw No. 777-2003

Street Vendors

1. Permitted units are: push carts, carts, and other mobile units.
2. Push carts must be propelled or may be delivered to their site by vehicle.
3. No form of music or voice amplifying device will be permitted. All soliciting will be done at a level speaking voice with no shouting.
4. The operator of a push cart, cart or other mobile unit shall be responsible for cleaning up of litter generated within twenty-five (25) metres of their location and shall be responsible for removal of all collected garbage from the location.
5. The goods sold from a push cart are to be limited to food, beverages, and flowers.
6. The operator of a push cart, cart or other mobile unit must obtain and display at all times an approved identification tag.
7. A maximum of one (1) additional employee will be permitted to assist the operator of a vending cart or mobile unit at any time.
8. At no time will it be permitted for a vending cart or mobile unit or its customers to obstruct the free flow of pedestrian traffic on any sidewalk within the Town.
9. Vending will be permitted seven (7) days per week commencing at 9:00 a.m. and must cease at 10:00 p.m. Exception: Street Vendors at cabaret locations are permitted to operate until 3:00 a.m., subject to review from time to time by the License Inspector.
10. Advertisements will be placed in local newspapers in January of every year soliciting applicants for vending licenses for the fixed locations and special zones. The successful applicant from a previous year is not guaranteed a renewal, but will be given consideration based on his/her previous year's performance.
11. A street vending unit or cart must be removed daily.
12.
 - (a) The number of vending carts approved will be limited to a maximum of two (2) for any applicant operating an existing licensed food or flower business in a vending cart business.
 - (b) The total number of business licenses approved for street vendors is subject to review by the License Inspector at any time.

