

## THE CORPORATION OF THE VILLAGE OF MONTROSE

### BYLAW #599

A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESSES.

WHEREAS section 653 of the *LOCAL GOVERNMENT ACT* (RS Chapter 323) authorizes Council by bylaw to provide for the Licencing and regulating of businesses.

NOW THEREFORE BE IT RESOLVED, that the Council of the Village of Montrose, in open meeting assembled, enacts as follows:

#### SHORT TITLE

1. This Bylaw may be cited as the "**BUSINESS LICENCE BYLAW**"

#### REPEAL

2. That Bylaw #134 "A bylaw respecting licenses for carrying on business within the municipality and for fixing the fees for such licences" is hereby repealed.

#### DEFINITIONS

3. "Act" means the Local Government Act being Chapter 323 of the Revised Statutes of British Columbia, 1996.

"Business" means the carrying on of a commercial, or individual undertaking of any kind or nature for the purpose of gain or profit, but does not include activities carried on by the government, its agencies or government owned corporations.

"Council" means the Council of the Village of Montrose.

"Home Based Business" means a business carried on in a residential dwelling by a resident, which business is accessory and subordinate to the residential use and is permitted under the provisions of the Home Occupation Regulations in the Village of Montrose Zoning and Land Use Bylaw and any amendments thereto except as noted elsewhere.

"Inter-municipal Business Licence" means a licence issued under an agreement among the municipalities of the Village of Fruitvale, Village of Montrose, Village of Warfield, City of Trail and City of Rossland pursuant to section 662 of the Local Government Act.

"Licence" means a valid and existing business licence issued pursuant to this bylaw.

"Licence Inspector" means a person appointed as Licence Inspector for the Village and any person lawfully acting in that capacity.

"Mobile Business" any business that is carried out entirely from a motor vehicle or mobile unit that is designed to be or is mobile, including push carts and self propelled concession stands. All products offered for sale are actually carried and contained in the motor vehicle or mobile unit and are delivered to the purchaser at the time of the sale. A mobile business shall operate only from private property and the licensee must have the written consent of the property owner.

"Non-resident Business" means a business not carried on from premises within the Village of Montrose.

"Village" means the Village of Montrose.

#### APPLICATION FOR A LICENCE

4.
  - 1) Application for a new Licence shall be on the form as set out in Schedule "B" of this bylaw and shall be signed by the owner of the business or his/her rightfully authorized agent.
  - 2) The application form shall be delivered to the Licence Inspector and be accompanied by the fee prescribed in Schedule "A" of this bylaw.
  - 3) The Licence Inspector may request additional information from an applicant if he/she deems it necessary in issuing a licence pursuant to this bylaw.

#### BUSINESS LICENCE OFFENCES

5. No person shall:
  - a) carry on business within the Village unless he/she is the holder of a valid Licence;
  - b) carry on more than one business per Licence.

#### LICENCE FEE

6.
  - 1) Every person who acquires a Licence must pay the appropriate fee as set out in Schedule "A" of this bylaw.
  - 2) No refund will be issued on an annual fee on account of any person ceasing to do business. A licence fee shall be refunded only if the Licence application was withdrawn prior to issuance of the Licence or if issuance is refused.
  - 3) If a person begins to carry on business after the 31<sup>st</sup> day of July in any year, the licence fee will be reduced by 50%.
  - 4) If a person begins to carry on a business prior to the 31<sup>st</sup> day of July in any year and fails to apply for a licence until after the 31<sup>st</sup> day of July in that year, the full annual fee prescribed in Schedule "A" for that business shall be due and payable.

#### LICENCE INSPECTOR

7.
  - 1) The Administrator and in the absence of the Administrator, the Deputy Clerk are hereby appointed to be the Licence Inspector for the Village.
  - 2) The Licence Inspector shall have the power from this time forth to administer the requirements of this bylaw.
  - 3) The Licence Inspector, Fire Prevention Officer, Medical Health Officer, and Enforcement Officer may enter at all reasonable times on any property subject to this bylaw to ascertain whether this bylaw is being observed.
  - 4) When the Licence Inspector is satisfied that the applicant has complied with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and business, the Inspector may issue a licence subject to any other requirements of this bylaw.
  - 5) The Licence Inspector is hereby delegated the authority to grant, suspend or revoke a licence in accordance with Section 660 of the Local Government Act.
  - 6) The refusal, suspension or revocation of a licence shall be made in writing, signed by the Licence Inspector and served on the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form for the licence.

#### LICENCE FORM

8. Every Licence shall be in duplicate as set out in Schedule "C." of this Bylaw. The owner of the business shall retain one copy and the Licence Inspector shall retain one copy.

#### LICENCE PERIOD

9. Licences are issued on an annual basis. The Licence Period is January 1<sup>st</sup> through December 31<sup>st</sup> of any year.

#### DISPLAY OF LICENCE

10. Licences must be posted in a prominent place on the Licenced premises.

#### **LICENCE RENEWAL**

11. 1) A Business Licence Invoice may be sent to each Licence holder in the Village before December 31<sup>st</sup> of each year by the Licence Inspector. Notwithstanding this section, it is the responsibility of the owner to ensure the retention of a valid Licence.
- 2) The Licence Inspector shall stamp the Licencees copy as PAID to confirm that the Licence has been renewed.

#### **TRANSFER OF LICENCE**

12. 1) No person holding a business licence issued under this bylaw shall change his place of business without first obtaining a transfer of this licence.
- 2) Transfer of a business licence may be refused for the operation of the business in question if the new premises do not comply with this and all other applicable bylaws of the Village.
- 3) A licence granted under this bylaw shall be deemed a personal licence to the licencee and shall not be transferable to any other person.
- 4) A licencee shall notify the Licence Inspector when the licence is no longer required.

#### **INTER-MUNICIPAL BUSINESS LICENCE**

13. A business having an Inter-municipal Business Licence is deemed to have a Licence of this Municipality and is exempt from requiring a Licence under this bylaw.

#### **APPEAL FROM LICENCE REFUSAL, SUSPENSION OR REVOCATION**

14. 1) Section 661 of the Local Government Act gives a right of appeal to the Council from a person whose licence has been suspended or revoked or whose application for a licence has been refused by the Licence Inspector.
- 2) A person who intends to appeal to the Council under the Act, shall give the Licence Inspector notice in writing of the intention to appeal. The notice shall state the grounds upon which the appeal is based. The Village Administrator shall refer the matter to the Council in order to appoint a time and place for a hearing and then shall give the appellant reasonable notice of the time and date.

#### **PENALTY**

15. 1) Any person committing an act or omission in contravention of any provision of this bylaw is deemed to have committed an offense.
  - 2) A person having been found guilty by a court of competent jurisdiction of an offense Under the provisions of this bylaw is liable to a fine not to exceed one thousand dollars (\$1000) plus the cost of prosecution.
16. Schedules "A" through "C" form part of this bylaw.

#### **ENACTMENT**

17. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
18. This Bylaw shall come into full force and effect on January 1, 2003.

READ A FIRST TIME

this 21<sup>st</sup> day of January, 2003

READ A SECOND TIME

this 4<sup>th</sup> day of February, 2003

READ A THIRD TIME

this 4<sup>th</sup> day of February, 2003

RECONSIDERED AND FINALLY ADOPTED

this 4<sup>th</sup> day of March, 2003

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Mayor

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Village Clerk

I hereby certify the foregoing to be true and correct copy of Business Bylaw #599.

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Village Clerk, Andre Carrel

**THE CORPORATION OF THE VILLAGE OF MONTROSE**

**BYLAW #599**

**SCHEDULE "A"**

**BUSINESS LICENCE CLASSIFICATION AND LICENCE FEES**

**CLASSIFICATION**

Agents/Distributors	\$100
Commercial/Warehouse/Automotive	\$ 75
Day Care/Nursery/Babysitting Service	\$ 60
Home Based Business	\$ 60
Mobile Business	\$200
Non Residential Contractors	\$100
Other businesses not defined	\$ 60
Non-Profit Societies	No Charge

**THE CORPORATION OF THE VILLAGE OF MONTROSE**

**BYLAW #599**

**SCHEDULE "B"**

**BUSINESS LICENCE APPLICATION**

The applicant is responsible for submitting all information requested below and any additional information deemed necessary by the Licence Inspector. This application must be completed in full before a Licence will be issued. Payment of the Licence fee is required with this application.

PLEASE PRINT

Business Name: \_\_\_\_\_

Location: \_\_\_\_\_

Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Owner/Operator: \_\_\_\_\_

Provide a brief description of the intended business: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**I HEREBY APPLY FOR A BUSINESS LICENCE WITH THE ABOVE INFORMATION BEING TRUE. I AGREE TO COMPLY WITH ALL VILLAGE BYLAWS AND PROVINCIAL STATUTES IN THE OPERATION OF THIS BUSINESS.**

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

No business shall start operation until the Licence is issued.