

TOWN OF VIEW ROYAL



Business License Bylaw No. 952, 2016

A Bylaw for the Licensing and Regulation of Business

“Consolidated for Convenience”

BUSINESS LICENSE AND REGULATION BYLAW No. 952, 2016
TABLE OF CONTENTS

ITEM	PAGE NO.
Citation.....	7
Purpose of Bylaw.....	7
PART 1 - INTERPRETATION.....	7
Definitions.....	7
Application.....	9
Words Not Defined in This Bylaw.....	9
Severability.....	9
Duty of Care.....	9
Administrative Directions.....	9
Headings.....	9
PART 2 - LICENCE INSPECTOR.....	9
Appointment of License Inspectors.....	9
License Inspector's Powers.....	10
Revoking of Business Licence.....	10
Right of Entry.....	10
PART 3 - LICENCE REQUIRED.....	10
License Fee.....	11
Forms.....	11
Effect of License.....	11
License Renewal.....	11
PART 4 - REQUIREMENTS.....	12
Display of License.....	12
Advertising.....	12
Circus or Carnival.....	12
Shows.....	12
Recycling Depot.....	12
Peddlers.....	12
Municipally Owned Lands.....	13
Occupancy Permit.....	13
Trade Qualifications.....	13
Garage Sales.....	13
Part 5 - OFFENCES - PENALTIES.....	13
Offence.....	13
Penalties.....	14
PART 6 – EFFECTIVE DATE.....	14
PART 7 – MISCELLANEOUS.....	14
Repeal.....	14
Schedules.....	14
SCHEDULE A.....	16
SCHEDULE B.....	17
SCHEDULE B (continued).....	18

TOWN OF VIEW ROYAL

BYLAW NO. 952, 2016

A BYLAW FOR THE LICENSING AND REGULATION OF BUSINESS

Citation

1. This Bylaw may be cited as the “Business License and Regulation Bylaw No. 952, 2016”.

Purpose of Bylaw

2. To provide licensing and regulations for businesses operating within the Town of View Royal and for the issuance of Intermunicipal Business Licenses.

PART 1 - INTERPRETATION

Definitions

3. In this bylaw, unless the context otherwise requires:

“Apartment”	means a building, which contains three or more dwelling units with each dwelling unit having its principal access from an entrance or hallway or exterior walkway common to other dwelling units.
“Business”	means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit, this but does not include an activity carried on by the government, its agencies or government owned corporation or by a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes.
“Daily Licence”	means a business license for craft fairs, exhibitions or other itinerant shows; or entertainment.
“Drug Paraphernalia”	means any product, good, ware, merchandise, equipment, thing or material of any kind primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined in the <i>Controlled Drugs and Substances Act</i> .
“Floor Area”	means all the floor space contained within the building or buildings, structure or structures within which the said trade, business or occupation is carried on.

“Home Crafts”	are articles made by hand such as jewellery, dolls, woodcrafts stuffed animals, holiday art, toys, greeting cards, candles, soap, flower arranging, clothing and fabric art.
“Home Occupation”	means the accessory use of a residential dwelling unit by its resident for commercial purposes other than <i>home crafts</i> , provided that the use is secondary to the use of the dwelling unit for residential purposes and that it does not change the residential character.
“Intercommunity Business License”	means a business license issued by a municipality that is party to the Intercommunity Business License Partnership.
“Intermunicipal Business License”	means a business license issued by a municipality that is party to the Intermunicipal Business License Agreement authorized by the Intermunicipal Business License Agreement Authorization Bylaw, 1999 No. 364 and any amendments, replacement bylaw and agreements.
“License Inspector”	means the person from time to time duly appointed as Business License Inspector for the municipality and also any person lawfully acting in that capacity.
“Municipal Council”	means the Municipal Council of the Town of View Royal.
“Municipality”	means the Town of View Royal.
“Non-Resident Business”	means a business other than a resident business carried on within the Town of View Royal or with respect to which any work or service is performed within the Town.
“Peddler”	means a person engaged in the business of selling directly to the public by calling from premise to premise, or by setting up a temporary business on property in order to expose samples, take orders, and/or offer for sale, wares or merchandise of any kind but excludes garage sales by a resident of the property.
“Person”	shall include a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw.
“Premise”	includes a store, office, warehouse factory building, enclosed yard, house or other place or any part thereof occupied or used by any person for the purpose of any business, trade or occupation and also includes any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is carried out.
“Pub”	includes any place where alcoholic liquor is sold to be consumed on site (saloon, inn, hotel, etc.) but excludes restaurants.
“Recycling Depot”	includes any premise used for the collection and shipping of recyclable materials.

- “Resident Business”** means a business carried on in or from premises within the Town of View Royal.
- “Shows”** includes live entertainment or other forms of entertainment, dances, trade shows and other public shows.
- “Trade Qualification”** means written evidence that a person has completed an apprenticeship or is certified for a specific trade with the Ministry of Ministry of Jobs, Tourism and Skills Training

Application

4. This bylaw applies to all land (including the surface of water), buildings or structures within the boundaries of the Town of View Royal subject to Provincial and Federal enactments.

Words Not Defined in This Bylaw

5. All other words and phrases appearing in both this bylaw and the *Community Charter* shall bear the same meaning in this bylaw as they bear where they appear in the *Community Charter*.

Severability

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

Duty of Care

7. This bylaw does not create any duty of care whatsoever on the *Municipality*, the Council Members, Officers, *License Inspector*, or any employees or agents of the *Municipality* in respect of:
- (1) the issuance of a license;
 - (2) inspection made by the License Inspector or failure to make an inspection;
 - (3) the enforcement of this bylaw.

Administrative Directions

8. Words defining the responsibilities and authority of the *License Inspector* shall be construed to be an internal administrative direction and not as creating a duty.

Headings

9. Section headings do not form part of this bylaw. They are included for convenience only and must not be used in interpreting this bylaw.

PART 2 - LICENCE INSPECTOR

Appointment of License Inspectors

10. The Council may by resolution appoint a *License Inspector* and one or more Deputy License Inspectors, who are authorized to carry out and administer the provisions of this bylaw.

License Inspector's Powers

11. (1) The *License Inspector* may grant a Business License when satisfied that the applicant has complied with the requirements of this and all other applicable bylaws.
- (2) Pursuant to Section 60 of the *Community Charter* the *License Inspector* may refuse to grant a Business License when not satisfied that the applicant has complied with the requirements of this and all other applicable bylaws.
- (3) Pursuant to Section 60 of the *Community Charter*, if the License Inspector refuses to issue a Business license the applicant is entitled to have Council reconsider the matter.

Revoking of Business Licence

12. Pursuant to section 60 of the *Community Charter* the *Municipal Council* may suspend or cancel a license for reasonable cause.

Right of Entry

13. Every *License Inspector*, Fire Inspector, and Bylaw Enforcement Officer of the *Municipality* may enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw are being observed.

PART 3 - LICENCE REQUIRED

License Required (subject to *Community Charter*)

14. (1) No *person* shall carry on a *business* within the Town of View Royal without first obtaining a Town of View Royal Business License and paying a fee as described for such *business* under Schedule A or be the holder of a valid intermunicipal business license.
- (2) Where a *business* is carried on, in or from more than one premise within the *Municipality*, the *business* being carried on from each premise shall be deemed to be a separate *business*.
- (3) Where a *business* is carried on, in or from a premise within the *Municipality* and also provides services within other municipalities, this business must obtain a business license for its premises and an intermunicipal business license.
- (4) Any *person* who carries on more than one *business* from any one premise shall obtain a separate license for each *business*.
- (5) No *person* shall transfer a place of *business* without first making an application to the *License Inspector*. After receiving an application and payment of a fee as specified within Fees and Charges Bylaw No. 958 and subject to the approval of the License Inspector, the license will be transferred.

(Bylaw No. 958, 2016)

- (6) Upon any change in the nature, character, kind or description of the *business* carried on by the holder of said license within the Municipality or engaging in any further or additional *business* therein, it shall be the duty of the license holder to pay forthwith for any further or additional licenses as shall be applicable or required.

License Fee

15. Every *person* who applies for a Business License shall pay at the time of application, the applicable license fee as prescribed in Fees and Charges Bylaw No. 958 provided that:
(Bylaw No. 958, 2016)
 - (1) Except as hereinafter provided, licenses shall be granted for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each and every year.
 - (2) The license fee prescribed in this bylaw shall be reduced by one-half in respect of a *business* that becomes liable to be licensed after the thirtieth day of June in any year.
 - (3) No refund of the annual license fee shall be made on account of any *person* ceasing to do *business* at any time. A license fee shall be refunded only if the application is withdrawn prior to issuance of the Business License or if issuance of a Business License is refused.

Forms

16. Every *person* applying for a license or for the transfer of a license shall complete the forms prescribed by the *License Inspector* for such purpose.

Effect of License

17.
 - (1) A Business License is not a representation or warranty that the licensed *business* complies with the bylaws of the *Municipality* or with any other regulations or standards.
 - (2) A Business License authorizes only the *person* named in the Business License to carry on only the *business* described in the Business License, only at the *premises* or locations described in the Business License.

License Renewal

18. The *License Inspector* shall make available to all licensees an invoice and renewal form on or before the fifteenth day of December each year.
 - (1) A licensee who proposes to renew a Business License shall obtain, complete and submit the renewal form and annual license fee to the *License Inspector* not later than January 31 each year.
 - (2) If a *Business* License is not renewed as required by part 3 Section 15(1) a licensee who wishes to continue to carry on the *business* shall submit an application form in accordance with part 3 and shall pay an additional license fee as specified in Fees and Charges Bylaw No. 958.

(Bylaw No. 958, 2016)

PART 4 - REQUIREMENTS

Display of License

19. A Business License must be prominently displayed in the sales or reception area of a premise to which the public has access. A *business* that holds an *Intermunicipal Business License* must at all times keep its Business License or a legible copy thereof.

Advertising

20. No *person* shall advertise the carrying on of a *business* in the Municipality unless a Business License has been issued for that *business*.

Circus or Carnival

21. (1) A Circus or Carnival shall maintain a comprehensive liability policy of insurance for \$5,000,000.00 inclusive limits, covering bodily injury, death and property damage including loss thereof and shall produce proof of such insurance to the *License Inspector* with the application for a Business License.
- (2) The operator of the Circus or Carnival shall ensure that each ride has an elevator inspection plate showing the last inspection of the ride.

Shows

22. Any *person* operating a show or dance for *persons* under the age of nineteen or at shows or dances not under a liquor license shall:
- (1) operate the show between the hours of 7:00 p.m. and 1:00 a.m.;
- (2) be required to provide one security guard from a recognized security company or a Peace Officer for every 30 *persons* licensed to be in the facility for which the show is held;
- (3) the security guards or Peace Officers will control the grounds around the show *premise* as well as the *premise* itself.

Recycling Depot

23. Any *person* operating a recycling depot shall:
- (1) operate a recycle depot fully enclosed within a building or in containers if stored outside of a building;
- (2) be permitted to sell recycled material from the *premise* to walk in customers but must deliver the material received for disposal to a recycling plant.

Peddlers

24. All peddlers shall when conducting or attempting to conduct *business*:
- (1) state to any *person* with whom they are conducting or attempting to conduct *business* the name of the *business* or organization with whom they are associated, affiliated or representing;

- (2) state to any *person* with whom they are conducting or attempting to conduct *business* their full legal name, consisting of all personal names and surname;
- (3) have affixed to their clothing and clearly visible to the public, an identification card on which is printed their full legal name and on which is affixed their photograph, said photograph being not smaller than passport size, namely 5cm by 5cm;
- (4) display to any *person* inquiring, a copy of a valid *Business License*;
- (5) have a letter of permission from the owner of the real property when setting up *business* on private property.

Municipally Owned Lands

25. No *person* shall offer for sale, lease or rent, any goods or merchandise on any streets, boulevards, parks and recreation facilities within the municipality, unless permission is obtained from the Municipal Council.

Occupancy Permit

26. No *person* shall occupy or permit occupancy of a new or remodelled *premise* for the purpose of carrying on a *business* unless the Municipal Building Official has issued an occupancy permit for the *premise*.

Trade Qualifications

27. Any *person* applying for a business license in an occupation, which is within the jurisdiction of the Ministry of Jobs, Tourism and Skills Training, must present proof of Trade Qualification at the time of application.

Garage Sales

28. Any occupier of a property who conducts more than three garage sales within one calendar year requires a business license. Each such sale shall be not longer than 3 consecutive days.

Drug Paraphernalia

29. Drug paraphernalia sales do not fall under Commercial Small or Commercial Large Fee Classification under Schedule A unless the premises are licensed as a pharmacy under the *Pharmacists, Pharmacy Operations and Drug Scheduling Act*.
30. No person can operate a business for the purposes of selling drug paraphernalia except between the hours of 8:00 a.m. and 6:00 p.m.

Part 5 - OFFENCES - PENALTIES

Offence

31. It is an offence for any *person* to:
 - (1) carry on a *business* for which a *Business License* is required pursuant to this bylaw without holding a valid and current *Business License* for the *business*;

- (2) tender a cheque or other negotiable instrument in full or partial payment of any license fee payable hereunder, if said cheque or negotiable instrument is fraudulent;
- (3) fail to display a valid and subsisting *business* license as required by the provisions of this bylaw;
- (4) fail to furnish any information or documentation as required by the provisions of this bylaw;
- (5) carry on or remain open for *business* after receiving notice that the *business* license has been suspended or revoked;
- (6) violate any provisions of this bylaw;
- (7) suffer or permit any act to be performed in violation of this bylaw;
- (8) neglect or refrain from fulfilling all requirements or provisions of this bylaw.

Penalties

32. (1) Any *person* who commits an offence under this bylaw is punishable in accordance with the *Offence Act* of British Columbia.
- (2) No *person* shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw. Every *person* who contravenes this Bylaw by wilfully doing any act which it forbids, or wilfully omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$500.00 and not more than \$10,000.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues. The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.
- (3) Notwithstanding anything herein contained, the amount of any and every license fee payable by any *person* pursuant to the provisions of this Bylaw shall be a debt due by that *person* to the Municipality, which shall be recoverable together with any costs in any court of competent jurisdiction.

PART 6 – EFFECTIVE DATE

33. This bylaw shall come into effect on January 1, 2017.

PART 7 – MISCELLANEOUS

Repeal

34. Business License and Regulation Bylaw No. 580, 2004 is hereby repealed on January 1, 2017 except insofar as it repeals any other bylaw.

Schedules

35. Schedules A and B are attached hereto forming a part of this bylaw.

READ A FIRST TIME THIS 5th DAY OF JULY, 2016

READ A SECOND TIME THIS 5th DAY OF JULY, 2016

READ A THIRD TIME THIS 5th DAY OF JULY, 2016

ADOPTED BY COUNCIL, SIGNED BY THE MAYOR AND THE CLERK AND SEALED WITH
THE SEAL OF THE TOWN OF VIEW ROYAL THIS 19th DAY OF JULY, 2016

MAYOR

CLERK

SCHEDULE A

(Deleted by Bylaw No. 958, 2016)

SCHEDULE B

Classes of Business eligible for Intermunicipal Business License:

1. Contractors all types – includes but not limited to:

Acoustics	Interior design
Alarm Systems	Irrigation
Alteration	Iron Worker
Appliance Repair	Janitorial Service
Aluminium Products	Land Clearing
Audio/Video Systems	Landscape Curbs
Bathroom Refinishing	Landscaping
Bricklayer	Lather
Building	Locksmith
Building Mover	Masonry
Building Washing	Mechanical
Bulldozing	Metal Worker
Cabinet Maker	Nursing Services
Carpenter	Oil Worker
Carpet Cleaning	Overhead doors
Chimney Cleaner	Painter
Cleaning Services	Painting and Decorating
Communication Systems	Paving
Concrete	Pest Control
Concrete Cutting and Coring	Pilings
Crack Sealing	Pipeline
Decks	Power Vacuum
Demolition	Power Washing
Diving	Plaster and Stucco
Doors	Plumbing
Drapery and Awnings	Plumbing and Heating
Dredging	Pools and Spas
Drilling and Blasting	Refrigeration and Air Conditioning
Driveway Sealing	Reinforcing Steel
Drywall and Plaster	Renovation
Electrical	Restaurant Equipment
Elevator	Restoration Service
Energy Conservation	Roofer/ Shingler
Excavating	Roof Inspection
Fencing	Sand Blaster
Fire Sprinkler	Sealant Roof and Driveway
Fireplaces	Sanitary Engineer
Floor Laying	Security Service
Furnace Repair	Sewer and Drain
Fuel Tanks	Sheet Metal
Garage Doors	Siding
Garbage Disposal	Sign
Garden Services	Solar Heating
Gas Fitter	Stucco
General Contractor	Telephones
Glazing	Tile Setter
Gutter Installation	Traffic Control
Handy Person	Traffic Control Maintenance
Hauling	Tree Service
Heat Pumps	Trucking
Heating	Ventilation
Home Improvement	Water Proofing
Home Repair	Welding
House Moving	Window Coverings
Industrial Flooring	Window Screens
Inspection Service	Woodworking

SCHEDULE B (continued)

2. Towing Services
3. Mobile Sales and Service - Includes, but not limited to:

- Massage Therapist
- Facial Manicurist
- Pet Sitter
- Food, Beverage and Music Services
- Photographer
- Mobile Mechanic
- Mobile Hairdresser/ Barber