

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 630

A bylaw respecting licences for carrying on business within the Village and for fixing the fees for such licences

The Council of the Corporation of the Village of Ashcroft, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Village of Ashcroft Business Licence Bylaw No. ~~620~~⁶³⁰, 1996".
2. Bylaw No. 417, cited as the "Village of Ashcroft Business Licence Bylaw No. 417, 1983", "Village of Ashcroft Business Licence Amendment Bylaw No. 417-1, 1983" and "Village of Ashcroft Business Licence Amendment Bylaw No. 550, 1992" are hereby repealed.

DEFINITIONS

3. For the purpose of this bylaw, unless the context otherwise requires:

"Act" shall mean the Municipal Act, (RSBC 1979, Chapter 290) and all amendments there to.

"Business" shall mean carrying on 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, but does not include an activity carried on by the government, its agencies or government-owned corporations.

"Council" shall mean the Council of the Corporation of the Village of Ashcroft.

"Licence Inspector" shall mean the person or person from time to time duly appointed by the Council for enforcing the provisions of this bylaw and shall include any Licence Inspector, Deputy or Assistant Licence Inspector.

"Municipality" shall mean the Corporation of the Village of Ashcroft.

"Non-Resident Business" shall mean a business, other than a resident business, carried on in the Municipality or with respect to which any work or service is performed in the Municipality.

"Person" includes a corporation, partnership or party.

"Resident Business" shall mean a business carried on, in or from premises within the Municipality.

"Village" shall mean the Corporation of the Village of Ashcroft

EXEMPTIONS

4. The following types of business are not required to hold a licence under this bylaw:
 - a. Subject to Section 499 and 512 of the Act, non-resident business as follows:
 - i) commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business;
 - ii) owners or operators of carriers other than taxicabs who either pick up passengers or chattels in the municipality for discharging or delivery outside the municipality, or discharge or deliver in the Municipality passengers or chattels picked

- up outside the Municipality, or both, unless the Municipality forms part of a trading area designated for taxicabs under Section 511 of the Act;
- iii) owners or operators of taxicabs who only discard passengers in the Municipality;
 - iv) owners or operators of retail business who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged;
 - v) a wholesaler, manufacturer or processor who is only in business of offering for sale or selling his own merchandise and delivering it in his own vehicle to merchants for resale by them in the ordinary course of their business and;
 - vi) a person practicing a profession governed by a Special Act, unless that person regularly and generally carries on business in the municipality.
- b. Subject to Section 512 of the Act, no licence is required:
- i) with respect to a performance, concert, exhibition or entertainment, the entire proceeds of which, above actual expenses, are devoted to a charitable purpose;
 - ii) with respect to a performance, concert, exhibition, entertainment or concession which is held in a licenced theatre or other licenced place;
 - iii) for the business of letting or renting rooms where not more than two (2) rooms are available for letting or renting.
- c. Subject to Section 408, no licence is required for the business of telephone, electric light, electric power, water, gas and closed circuit television service situated within the Municipality.
- d. No provisions of this bylaw shall be construed so to provide any exemptions other than those set out in Section 4(a), (b) and (c). Any business that is not otherwise exempt from the requirement for a business licence pursuant to this bylaw shall not be exempt by reason only that it provides services to a no-profit organization or society.

LICENCE

- 5. No person shall carry on any business within the municipality unless a valid and subsisting licence has been issued for that business pursuant to this bylaw, and the respective fee as prescribed in Schedule "A", which is attached hereto and forms part of this bylaw, has been paid, and it shall be incumbent upon each person to renew such licence prior to the beginning of each licencing period as long as such business is being carried on.
- 6. Businesses in the Municipality are classified in accordance with Schedule "A" to this bylaw.
- 7. Where a business is carried on, in, or from more than one premise in the Municipality, the business carried on, in, or from each premise shall be deemed to be a separate business.
- 8. An application for a Business Licence shall be made to the Licence Inspector on the form shown on Schedule "B" to this bylaw, which Schedule is attached to and forms part of this bylaw. The application form shall be signed by the owner of

the business or an authorized agent of the owner provided that in the case of partnership or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be authorized agent of all the owners or partners.

9. Every applicant for a licence shall pay to the Municipality at the time of application the licence fee specified in Schedule "A" corresponding to the type of business in respect of which application is made. No licence shall be valid until the Municipality has received payment of the required fee.
10. Upon receipt of an application for a licence, the Licence Inspector may when he considers it applicable, seek recommendations regarding its approval from the Building Inspector, Fire and Health Departments and the Council.
11. The Licence Inspector is authorized to grant a licence if in his opinion he is satisfied that the applicant has complied with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and business. In cases where the Licence Inspector is not satisfied that the applicant has complied with the requirements of the aforementioned bylaws, the Licence Inspector may refuse to grant a licence.
12. Every licence issued pursuant to the provisions of this bylaw shall be made in triplicate. One copy of such licence shall be posted by the applicant in a conspicuous place on the premises or on the thing or article in respect to which the licence was issued.
13. The Licence Inspector, or any peace officer or medical health officer may enter at any reasonable time or times, any house, place, premises, vehicle or place, thing or article in respect of which a licence has been granted pursuant to this bylaw to ascertain whether this bylaw is being obeyed.

RATES AND LICENCE PERIODS

14. a. Except as otherwise provided in this bylaw, licences shall be issued so as to terminate on the 31st day of December and no proportionate reduction shall be made on account of any person ceasing to do business at any particular time, however, the licence fee for a new business starting shall be reduced as follows:
 - i) after March 31.....25%
 - ii) after June 30.....50%no such reduction shall result in a licence fee of less than \$30.00.
- b. The period for a licence for a circus, menagerie, 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 for one (1) day.
- c. The period for a licence in respect of horse racing shall be for one (1) day.
- d. Every person to whom a licence has been granted under the provisions of this bylaw shall be deemed to be carrying on the business specified in the licence for the next licence period unless such person shall, on ceasing to do business, notify the Licence Inspector in writing to that effect and stating in such notice the date on which he ceased to do business.

SECURITY

15. a. Subject to Section 500 of the Act, every person applying for a licence to carry on a resident business of any class for the first time with respect to that particular business shall, at the discretion of the Licence Inspector, give security in the amount of \$500.00 to the municipality by way of cash or certified cheque.
- b. Subject to Section 501 of the Act, every person applying for a licence to carry on a non-resident business of any class of business shall, at the discretion of the Licence Inspector give security in the amount of \$1,000.00 to the Municipality by way of cash or certified cheque.
- c. The security referred to in Section 15(a) and (b) of this bylaw shall be returned to the applicant six (6) months after the licence is issued and is conditional upon the applicant carrying on the business without deceit, misrepresentation or fraud.
- d. No licence shall be granted to any person for the purpose of holding or exhibiting any circus or menagerie, or holding any show or carnival using ferris wheels, merry-go-rounds or similar devices until such person has obtained and provided proof to the satisfaction of the Licence Inspector of insurance in the amount of Five Million Dollars (\$5,000,000.00) for bodily injury and property damage, and has furnished to the Licence Inspector a certificate that such insurance indemnifies the Village against all claims that may at any time be made against the Village by the person holding or exhibiting the circus, menagerie or carnival, as the case may be.

CHANGE IN BUSINESS

16. a. No licence granted pursuant to this bylaw may be transferred to another business. In the event of change of ownership of a business for which a licence was issued, the new owner of the business shall apply for a new licence.
- b. No person to whom a licence has been granted under this bylaw may operate the business at different premises without first applying in writing to the Licence Inspector to have the licence amended in respect to the location of the premises set out therein, and any person carrying on business at premises other than the premises specified in the licence, shall be guilty of an infraction of this bylaw.

SUSPENSION

17. Pursuant to Section 513 of the Act, the Licence Inspector may suspend, for such a period as he may determine, any licence if the Licence Inspector decides that the holder of the licence:
 - 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 he is licenced, or with respect to the premises named in his licence;
 - c. has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his licence, that it warrants the suspension of his licence;

- d. has ceased to meet the lawful requirements to carry on the business for which he is licenced or with respect to the premises named in his licence; or
- e. has, in the opinion of the Licence Inspector, conducted his 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 (16) years anything, that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen (16) years.

APPEALS

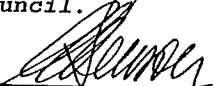
- 18. a. A person whose licence has been suspended under Section 513(1) of the Act may appeal to Council, which may, on appeal, confirm or set aside the suspension on terms it thinks fit.
- b. The Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving him an opportunity to be heard.
- c. The notice and opportunity to be heard is not required for a licence who, by reasonable efforts cannot be found.
- d. A person who has applied for but failed to be granted a licence may appeal to the Council, and Section 508 of the Act applies with necessary changes and so far as applicable.

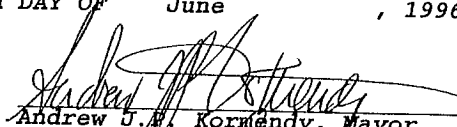

PENALTY

- 19. Every person who offends against any of the provisions of this bylaw shall, upon summary conviction be liable to a penalty of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for each offence, and in default of payment there of forthwith or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act and where conviction is for failure to pay the licence fee required, then the licence fee shall be added to the said penalty and shall form part of the penalty.

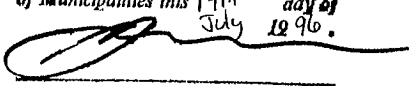
READ A FIRST TIME THIS 13th DAY OF May , 1996
READ A SECOND TIME THIS 13th DAY OF May , 1996
READ A THIRD TIME THIS 13th DAY OF May , 1996
RECONSIDERED AND ADOPTED THIS 24th DAY OF June , 1996

Certified to be a true
and correct copy of
Bylaw No. 630 as adopted
by Council.


Alan Benson, Clerk


Andrew J. Kormendy, Mayor

Alan Benson, Clerk

A true copy of By-Law No. 630
registered in the office of the Inspector
of Municipalities this 19th day of
July 1996.


Deputy Inspector of Municipalities

BYLAW NO. 630

SCHEDULE "A"

BUSINESS LICENCE FEE SCHEDULE

The minimum charge for any business licence is \$60.00.
(with the exception being new businesses as outlined in item 14.a. above)

1. RETAIL BUSINESS - for any business operating for retail purposes, which includes sales, services, repairs, maintenance and rentals, as follows:
 - a. building size up to 1000 sq.ft.....\$ 60.00
(92.9 sq.m.)
 - b. building from 1001 thru 2500 sq.ft.....\$ 120.00
(92.9 to 232 sq.m.)
 - c. building from 2501 sq.ft. and up.....\$ 200.00
(232 sq.m.)
2. RESTAURANTS, CAFETERIAS, COFFEE SHOPS
 - up to 10 chairs.....\$ 60.00
 - up to 40 chairs.....\$ 90.00
 - over 40 chairs.....\$ 120.00
3. a. HOTEL/MOTEL/ROOMING HOUSE\$ 60.00
- b. APARTMENTS - complex.....\$ 60.00
- c. MOBILE HOME SPACES - per pad.....\$ 10.00
4. PROFESSIONS, REAL ESTATE SALES, AUCTIONEER, TAX SERVICE, TRANSPORTATION SERVICE, FREIGHT SERVICE, SECOND HAND DEALER, SAWMILL/PLANER, MOBILE HOME SALES/SERVICE, JEWELLERS, LOUNGE, BAR/BEER PARLOUR, CABLE TV.....\$ 100.00
5. a. CONTRACTORS, WHOLESALE.....\$ 120.00
- b. CARNIVAL OR CIRCUS - per day.....\$ 120.00
6. MANUFACTURER, DRUG STORE.....\$ 150.00
7. AUTO DEALERS - NEW AND USED, AUTO WRECKER, LUMBER YARD, PAWNBROKER, MAIL ORDER, FINANCE/LOAN COMPANY, REDI-MIX.....\$ 200.00
8. BANKS.....\$ 400.00
9. FOR ANY PERSON FOLLOWING ANY TRADE, BUSINESS, OCCUPATION OR CALLING NOT LISTED ABOVE.....\$ 100.00

VILLAGE OF ASHCROFT

BUSINESS LICENCE BYLAW NO. 630

SCHEDULE "B" - APPLICATION FOR BUSINESS LICENCE

Date of Application: _____ Licence No. _____

BUSINESS TRADE NAME: _____

Civic Address: _____

Business Mailing Address: _____

Postal Code: _____

Phone Number: _____ Fax Number: _____

APPLICANT NAME: _____

Mailing Address: Same as Above _____ or: _____

Postal Code: _____

Phone Number: Same as Above _____ or: _____ Fax Number: _____

Form of Ownership: Proprietorship _____ Partnership _____ Corporation _____

Business to be in: New Building _____ or Existing Building _____

Is any construction or renovation required? Yes _____ No _____

Previous Use/Business operated at this address: _____

Type of Business to be Conducted: _____

Professional/Trade Qualifications: _____

Do you have a Direct Sellers Licence? No _____ Yes _____ Number _____

Proposed Opening Date: _____

IS THIS A HOME BASED BUSINESS? Yes _____ No _____

Are you installing a sign? Yes _____ No _____

PLEASE COMPLETE THE FOLLOWING:

1. Total Business Floor Area _____ 2. Rental Units _____

3. Total Persons Employed _____ 4. Parking Spaces _____

I, _____ hereby make application for a licence in accordance with the particulars as above stated and declare the above statement is true and correct and I undertake that if I am granted the licence applied for I will comply with each and every obligation contained in all laws and bylaws now in force or which may hereafter come into force in the Village of Ashcroft. I further understand that if this application involves the use of premises for business purposes that they may be occupied until they have been approved by the Village Departments concerned and a licence issued. I also understand that the payment of the Business Licence fee in advance does not guarantee approval.

Applicant's Signature

Licence Inspector Approval

THE INFORMATION MAY BE DEEMED A PUBLIC RECORD UNDER THE 'FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT' LEGISLATION.