

**DISTRICT OF STEWART**

**BYLAW NO. 793-2003**

A bylaw to licence and regulate the carrying on business within the boundaries of the District of Stewart, to fix and impose and provide for the collection of licence fees and the granting, issuing and transferring of licences.

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WHEREAS under Section 658 of the Local Government Act a council may provide for a system of business licences;

NOW THEREFORE the Council of the District of Stewart in open meeting assembled enacts as follows:

**Title**

1. This bylaw may be cited for all purposes as the "Business Licence Bylaw No. 793-2003".

**Repeal**

2. "Business Licence Bylaw No. 758-2001" is hereby repealed.

**Definitions**

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

**"ACT"** means the Local Government Act, R.S.B.C. 1996, Chapter 323;

**"AGENT"** means any person who, either on his behalf or as agent for another, sells or solicits or takes orders for services or for the sale by retail of goods, wares or merchandise to be supplied by any person not carrying on a resident business within the District;

**"APARTMENT BUILDING"** means any building or portion thereof (not being a motel, hotel or rooming house) which is occupied or intended to be occupied or capable of being occupied as rental accommodation by more than two families living independently of each other;

**"APPLICANT"** means any person who makes an application for a licence under the provisions of this bylaw.

**"BANK"** means a chartered bank as defined by the "Bank Act";

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**"BED & BREAKFAST"** means a business within a single family dwelling in which temporary guest accommodation, being accommodation for less than 30 consecutive days, and no more than one meal per day per guest, such meal being served before 12 noon, is provided to transient visitors and tourists for a fee;

**"BOAT CHARTERS"** means any leasing, letting or renting of boats on a daily, weekly, monthly basis or other basis;

**"BOAT MARINA"** means the renting of boat moorage space, boat sales and repairs and the sale of marine supplies;

**"BUILDING RENTALS"** means any leasing, letting or renting of buildings, houses, offices, rooms or suites for commercial purposes;

**"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;

**"CABARET"** means any place in which alcoholic refreshments and/or food of any kind are served where music and dancing or any form of entertainment is permitted;

**"CAMPGROUND"** means any place in which plots of land are rented on a daily, weekly or monthly basis for the use of tents and recreational vehicles;

**"CANVASSER"** means any person who solicits business within the District from cards or samples or in any other manner whatsoever for the sale of any services, goods, wares or merchandise or any article or thing for immediate or future delivery or for the purpose of promoting any business;

**"CARRYING ON A BUSINESS"** means, without restricting the generality of the term, any person who advertises himself by newspaper, publicly or otherwise, as open for business of any kind, or who deals in, or buys, sell, barter or displays or offers by advertisement or otherwise, to buy, sell or barter commodities or other things of any kind, either on behalf of himself or others or who advertises himself as open to render professional or other services to any other person for the purpose of gain or profit;

**"CONTRACTOR"** means any person, corporation, company, firm or organization performing or engaged to perform either for his or its own use or benefit, or for that of another any work within the District whether such work is undertaken on hourly, daily, weekly or monthly basis, labour basis, contract basis or cost plus basis;

**"COUNCIL"** means the Council of the District of Stewart;



**"DISTRICT"** means the District of Stewart;

**"FUEL DEALER"** means a person who carries on a business of soliciting or taking orders for the delivery of wood, sawdust, propane gas, gasoline or fuel oil or the delivery of wood, sawdust, propane gas, gasoline or fuel oil to commercial or residential premises within the District;

**"HAIRDRESSING SALON"** means any building, room or place where the business of hairdressing is carried on;

**"HOTEL"** means any building or portion thereof, other than a single family dwelling containing a Bed and Breakfast business or a building containing self-contained apartment dwellings, that is used for the purpose of gain or profit by renting or leasing rooms and includes a restaurant and/or liquor licensed facility;

**"INSPECTOR"** means the person from time to time duly appointed as Licence Inspector for the District by Council to administer and enforce the provisions of this bylaw;

**"LAUNDROMAT"** means any premises wherein any laundering or dry cleaning of garments or other things is done by a coin operated machine;


**"MEDICAL HEALTH OFFICER"** means the person appointed under the Health Act as such for the District and includes a Public Health Inspector;

**"MOBILE VENDER/PEDDLERS"** means a person who sells goods, ware, merchandise or foodstuffs from a vehicle or mobile unit at a specified location on a street, lane or other public place in the District;

**"MOTEL/INN"** means any building or portion thereof, other than a single family dwelling containing a Bed and Breakfast business or a building containing self-contained apartment dwellings, that is used for the purpose of gain or profit by renting or leasing rooms;

**"NONRESIDENT BUSINESS"** means a business, other than a resident business, carried on within the Municipality, or with respect to which any work or service is performed within the Municipality;

**"PERSON"** means, in addition to its ordinary meaning, a partnership, association, company or body corporate and in the singular shall mean and include the plural and in the masculine shall mean and include the feminine and converse;

 3

**"PRIVATE SCHOOL"** means the care of children for profit or gain and shall include day-care, kindergarten, pre-school or play school groups;

**"PROFESSIONS"** means the carrying on of a business of a personal service to the condition precedent to carrying on the service, a licence or other statutory authorization and includes services by certified accountants, architects, barristers and solicitors, chiropractors, dentists, engineers, geologists, notaries public, pharmacists, physicians and surgeons, physiotherapists, veterinarians and other similar professionals;

**"PUBLISHER"** means the carrying on of a business of printing and issuing books, magazines, newspapers, maps, etc. to the public;

**"RESIDENT BUSINESS"** means a business carried on, in or from premises within the District;

**"RESTAURANT"** means any coffee shop or any eating place being a permanent fixed building or structure in which prepared foods are served to the public in exchange for money or services or any place to which the public have access for the purpose of purchasing prepared food or beverage for human consumption on the premises;

**"RETAIL DEALER"** means every person who sells or offers for sale to any other person by retail, any goods, wares, merchandise or other commodity;

**"SEASONAL BUSINESS"** means a resident business that operates for less than six months of the calendar year;

**"SECOND-HAND DEALER"** means every person who keeps a second-hand store or shop or carries on the trade or business of a dealer in second-hand goods, ware, merchandise, furniture or effects of any description;

**"SERVICE TRADE"** means every person who carries on the business of a car wash, dressmaker/tailor, garbage collection, gardener, grasscutter, landscaper, janitor service, private patrol/security, repair shop, tire repair, window cleaning, welding shop or similar types of businesses;

**"TRAILER COURT"** means the rental of plots of land equipped with running water, power and other accommodations for the parking of trailers and mobile homes;

**"TRANSFER OF LICENCE"** means a re-issue of a subsisting licence upon relocation of the business for which the licence was issued;

**"WAREHOUSING"** means the storage of goods by any person for the purpose of gain or profit;

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**"WHOLESALE DEALER"** means any person who carries on the business of dealing in any commodity by selling such commodity to retail dealers or to other wholesale dealers or to contractors for resale or use in their business.

### **Licence to Operate**

- 4.1 No person shall carry on any business within the District unless he is the holder of a valid and subsisting licence issued to him under this bylaw by the Inspector and has paid in advance to the District the sum specified in Schedule "A" attached hereto and made an integral part of this bylaw, 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.
- 4.2 Every person who operates more than one store, branch, premises, unit or place of business in respect of any business, trade, profession or other occupation shall take out a separate licence in respect of each such separate store, branch, premises, unit or place of business.
- 4.3 Every licence granted shall be deemed to be a personal licence to the licensee therein named and shall not be transferable to another person.
- 4.4 Every licence issued under this Bylaw shall, where possible, be posted in a conspicuous place on the premises or on the thing or article in respect of which the licence is issued. Anyone failing to post and keep the same posted as aforesaid shall be guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 4.5 No person shall carry on a business for which a licence is required by this Bylaw during a period of suspension of such licence.
- 4.6 If a person to whom a licence has been issued under this Bylaw changes the location of the premises in which he carries on his business for which the licence has been issued, he shall not carry on such business without first having obtained a transfer of his licence from the Inspector.
- 4.7 Every person granted a business licence under this Bylaw shall notify the Inspector when the licence is no longer required.


 5

## Licence Application

- 5.1 Every applicant for a licence shall complete the application form specified in Schedule "B" attached hereto and made an integral part of this bylaw. The form shall be signed by the owner of the business or his duly authorized agent, provided that in the case of partnerships and multiple owners any one of such owner or partners may apply and such owner or partner applying shall be deemed to be the duly authorized agent of all the owners or of the partnership.
- 5.2 The application form shall be delivered to the Inspector and shall be accompanied by the fee prescribed in Schedule "A".
- 5.3 Incorporated companies shall supply a copy of the Certificate of Incorporation from the Registrar of Companies when required by the Inspector.
- 5.4 All premises in or upon which the applicant proposes to carry on or conduct any business, trade, profession or other occupation, in respect of which he is required to hold a licence pursuant to the provisions of this bylaw, shall first be approved by the Inspector before any such licence is granted. The applicant shall, upon request, produce certificates or letters of approval as may be required by Federal, Provincial or Municipal authorities.
- 5.5 Any person making application for a licence under the provisions of this Bylaw shall, at the time of making such application, make a true and correct statement in writing disclosing the nature and character of such business to be carried on by the applicant, the address of such business and any other information which the Inspector may require at the time of application and from time to time during the currency of the licence. Any person failing to do so or any person guilty of concealing any material fact, which under the provisions of this Bylaw should be disclosed as herein before set forth, shall be guilty of an infraction of this Bylaw and shall be liable to the penalties hereby imposed.

## Licence

- 6.1 Every licence granted pursuant to this Bylaw shall be in the form provided for by the District, consistent with the requirements of the Act.
- 6.2 All business licences issued under this Bylaw, except those licences issued under 6.3, shall be for the calendar year and shall expire on the 31<sup>st</sup> day of December next, succeeding the date of issue of same, and no proportionate reduction of licence fee shall be made on account of any person commencing business or ceasing to do business after the beginning of the year except that: a person who becomes liable to be licenced after the 31<sup>st</sup> day of July in any year shall pay half the prescribed annual fee.

 6

- 6.3 The period for a licence with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licence theatre or other licenced place, shall be one (1) day.

### **Licence Fee**


- 7.1 Licence and fee classifications shall be as listed in Schedule "A" attached hereto and made an integral part of this Bylaw.
- 7.2 The fee payable in respect of a change in the location of the premises authorized by the Inspector shall be as set out in Schedule "A" of this Bylaw.

### **Duties of Inspector**

- 8.1 The Inspector shall have power to grant, issue or transfer licences as hereinafter provided where he is satisfied that applicant has complied with the Bylaws of the District regulating building, zoning, health, sanitation and business.
- 8.2 It shall be the duty of the Inspector to enforce the provisions of this Bylaw.

### **Powers of Inspector**

- 9.1 The Inspector may enter any building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw. Every owner or occupier of any real property in the District shall give to the Inspector such access at any reasonable hour to such real property and every part thereof and such information with respect thereto as may be reasonably required to enable necessary inspections and investigation to be made.
- 9.2 The Inspector shall have the power to suspend, for such period as he may decide, any licence if the holder of the licence:
- (a) is convicted of an offence indictable in Canada;
  - (b) is convicted of an offence under any District 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 Inspector, been guilty of such gross misconduct in respect of the business or with respect of the premises named in his licence as to warrant 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 business premises named in his licence;
  - (e) has, in the opinion of the Inspector

 7

- (i) conducted his business in a manner or
- (ii) performed a service in a manner or
- (iii) sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of sixteen years any thing that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.

- 9.3 The suspension of a licence by the Inspector shall be made in writing, signed by the Inspector and served on the person holding such licence or delivered to the holder of such licence by registered mail to the address given by the licensee on the application for licence form. A notice of suspension may be posted by the Inspector upon such premises for which the licence was issued and such notice shall not be removed unless the suspension is appealed or until the licence is reinstated or the suspended licensee ceases to occupy the premises or a new business other than the one carried on by the former licensee is started on the premises.
- 9.4 The Inspector is hereby authorized to interpret the wording of an application where such wording is not coincident with the interpretations and the classifications stated herein.
- 9.5 The Inspector is authorized to classify businesses according to the type of business.

#### **Appeal from Licence Suspension**

- 10.1 Any person whose licence has been suspended by the Inspector and who proposes to appeal such suspension to Council shall within ten (10) days from the date of suspension give to the District Clerk notice in writing of his intention to appeal the said suspension.
- 10.2 The notice of intention to appeal shall state in concise fashion the grounds upon which the appeal is based.
- 10.3 The District Clerk shall thereupon refer the matter to Council in order to appoint a time and place for a hearing on the appeal.

#### **Appeal from Refusal of a Licence**

- 11.1 A person who has applied for but failed to be granted a licence may appeal to the Council.



## Appeal from Business Classification

- 12.1 Any person who wishes to dispute the classification of his business by the Inspector may appeal to the Council.

## Revocation of Licence

- 13.1 Council may revoke a licence for reasonable cause after giving notice to the licensee and giving the licensee an opportunity to be heard.
- 13.2 The notice and opportunity to be heard referred to in section 12.1 is not required in respect of a licensee who, by reasonable efforts, cannot be found.
- 13.3 A notice of revocation may be posted by the Inspector upon the premises for which the licence was issued and such notice shall not be removed until the former licensee ceases to occupy the premises or a new business other than the one carried on by the former licensee is started on the premises.

## Penalty


14. Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or refrains from doing anything which violates any of the provisions of this Bylaw or neglects to do or refrains from doing anything to be done by this Bylaw shall be deemed to have committed an offence under this Bylaw and shall be liable on conviction to a fine or penalty of not more than \$500.00

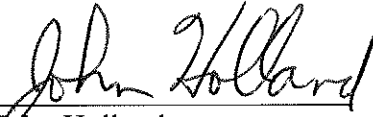
READ A FIRST TIME THIS 8th DAY OF DECEMBER, 2003.

READ A SECOND TIME THIS 8th DAY OF DECEMBER, 2003.

READ A THIRD TIME THIS 22nd DAY OF DECEMBER, 2003.

ADOPTED THIS 9th DAY OF FEBRUARY, 2004.

  
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Angela Brand Danuser  
Mayor

  
\_\_\_\_\_  
John Holland  
Clerk

**DISTRICT OF STEWART**  
**BYLAW NO.793-2003**  
**SCHEDULE "A"- FEES**

<b>NO.</b>	<b>NATURE OF BUSINESS</b>	<b>FEE PER YEAR</b>
Resident		
1	Agent	\$ 50.00
2	Apartments	\$ 50.00
3	Bank	\$ 50.00
4	Bed & Breakfast	\$ 50.00
5	Boat Charters	\$ 50.00
6	Boat Marina	\$ 50.00
7	Building Rentals	\$ 50.00
8	Cabarets	\$ 50.00
9	Communications	\$ 50.00
10	Campground	\$ 50.00
11	Canvasser	\$ 50.00
12	Contractor	\$ 50.00
13	Fuel Dealer	\$ 50.00
14	Hairdressing	\$ 50.00
15	Home Occupations	\$ 50.00
16	Hotels	\$ 50.00
17	Laundromat	\$ 50.00
18	Mining	\$ 50.00
19	Mobile Vender	\$ 50.00
20	Motels/Inns	\$ 50.00
21	Private School	\$ 50.00
22	Professions	\$ 50.00
23	Publisher	\$ 50.00
24	Restaurant	\$ 50.00
25	Retail Dealer	\$ 50.00
26	Seasonal Business	\$ 25.00
27	Second-hand Dealer	\$ 50.00
28	Service Trade	\$ 50.00
29	Terminal	\$ 50.00
30	Trailer Court	\$ 50.00
31	Transportation	\$ 50.00
32	Warehousing	\$ 50.00
33	Wholesale Dealer	\$ 50.00
Non-Resident		
31	Daily Rate	\$ 40.00
32	Annual Rate	\$ 150.00
Transfer Fee		\$ 15.00

**DISTRICT OF STEWART**

**BYLAW NO.793-2003**

**SCHEDULE "B" - APPLICATION FORM**

**BUSINESS LICENCE APPLICATION**

Licence # \_\_\_\_\_

Fee: \$ \_\_\_\_\_

New: ( ) Change of Address: ( ) Change of Owner: ( ) Change of Name: ( )

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

Business Address: \_\_\_\_\_  
(Street and Mailing)

Business Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Owner/Agent's Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Name & Position: \_\_\_\_\_

Date: \_\_\_\_\_

Licence Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

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