



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BY-LAW NO. 692

A By-law to Provide for the Licensing of a Business carried on within the Village of Fruitvale

A licence granted under this bylaw shall be deemed a personal licence to the licensee and shall not be transferable to any other person.

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

1. Requirement for Business Licence

Subject to the Local Government Act, every owner or operator of a business in the Village of Fruitvale (hereinafter referred to as the "Village") shall hold a valid and subsisting licence issued under this bylaw for each of the premises where the business is carried on, before carrying on that business.

2. Schedule "A": Business Classifications, Regulations and Licence Fees

a) Businesses in the Village are hereby classified according to the divisions and extent of business as set out in Schedule "A" to this bylaw.

b) Schedule "A", Schedule "B", and Forms "A", "B", and "C" to this bylaw form a part of this bylaw and are enforceable in the same manner as this bylaw.

3. Licence Application and Fees

a) The owner or operator of a business in the Village shall submit a completed Business Licence Application Form and pay to the Village the applicable licence fee prescribed in Schedule "A" for that business upon making application to the Village for the business licence.

b) Unless a licence is refused, no licence fee paid under this bylaw shall be refundable.

c) A licence shall be valid and subsisting when it has been issued by the Licence Inspector and the licence fee prescribed in Schedule "A" has been paid.

d) If a person begins to carry on a business after the 31st day of July in any year, the licence fee prescribed in Schedule "A" for that business shall be reduced by one-half (1/2).

e) If a person begins to carry on a business prior to the 31st day of July in any year, and fails to apply for a licence until after the 31st day of July in that year, the full annual fees prescribed in Schedule "A" for that business shall be due and payable.

4. Term and Renewal of Licence

a) Each licence issued under this bylaw shall expire on the 31st day of December each year.

b) The annual fee for renewal of a valid and existing licence shall be due and payable in January of every year, and this fee shall be discounted by 5% if paid in full by January 31st.

5. Licence Inspector

- a) The Council by resolution, from time to time, may appoint a Licence Inspector, and one or more persons to assist the Licence Inspector to administer the provisions of this bylaw.
- b) The Licence Inspector may enter at all reasonable times on any property subject to this bylaw to ascertain whether this bylaw is being observed.
- c) An owner or occupier of real property in the Village shall give to the Licence Inspector the information and the access to that property required to enable necessary inspections and investigations to be made.
- d) 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 or transfer a licence subject to any other requirements of this bylaw.

6. Licence Approvals

- a) All premises in or upon which the applicant proposes to carry on any business shall be approved by the Village before a licence is granted.
- b) The applicant shall, upon request by the Village, produce certification or letters of approval, as may be required by Federal, Provincial or local government authorities.
- c) An applicant whose business is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the Licence Inspector of all required qualifications under those Acts or Regulations.
- d) When the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Village Administrator shall be submitted prior to the issuance of the Licence.

7. Posting Licence

A licence holder shall post and keep posted the licence issued under this Bylaw in the sales or reception area of the premises to which the public has access or in another area designated by the Licence Inspector.

8. Business Relocation Transfer

- a) No person holding a business licence issued under this bylaw shall change the place of business, and then carry on that business, without first obtaining a transfer of the licence, and paying the Transfer Fee, which fee shall be 20% of the regular annual licence fee . If any inspections are required..
- b) Transfer of a business licence may be refused for the operation of the business if the new premises do not comply with this and all other applicable bylaws of the Village.

9. Change of Business Owner or Operator

- a) A licensee shall notify the Licence Inspector when the licence is no longer required.
- b) A person who purchases or assumes responsibility for a business shall not carry on or continue the business without first obtaining a licence pursuant to this bylaw.

10. Security

At the time of application, a person applying may be required to post security in the amount of \$1000.00 payable in cash or by irrevocable Letter of Credit, to be held in trust by the Village for the period of time specified in the Local Government Act.

11. Licence Suspension or Revocation

- a) 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.
- b) The suspension or revocation of a licence by the Licence Inspector 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.
- c) A notice of suspension or revocation may be posted by the Licence Inspector upon the premises for which the licence was issued and the notice shall not be removed until the licence is reinstated, or the licensee ceases to occupy the premises, or a new licence is issued for the premises.
- d) No person shall carry on a business for which a licence, required by this bylaw, is under suspension or revocation.

12. Appeal from Licence Refusal, Suspension or Revocation

- a) Section 661 of the Local Government Act gives a right of appeal to the Council to a person whose licence has been suspended or revoked or whose application for a licence has been refused by the Licence Inspector.
- b) A person who intends to appeal to the Council under the Act, shall give to the Village Administrator, notice in writing, of the intention to appeal.
- c) The Notice of Intention to Appeal shall state concisely the grounds upon which the Appeal is based.
- d) 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 to the appellant reasonable notice of the time and date.

13. Penalty

- a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw commits an offence and is liable on conviction to a fine not less than one hundred (\$100.00) dollars nor more than the maximum penalty provided under the Offence Act.
- b) A person who commits an offence of a continuing nature against this bylaw is liable on conviction to a fine of not less than one hundred (\$100.00) dollars for each day that the offence is continued.

14. Citation

This bylaw may be cited as Business Licence Regulation and Fees Bylaw, No. 692.

15. Repeal

Business Licence Bylaw No. 315, 1981 is hereby rescinded.

16. Effective Date

This bylaw shall come into effect on the date of its final adoption.

READ a first time this 15th day of July, 2002.

READ a second time this 7th day of October, 2002.

READ a third time this 7th day of October, 2002.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 18th day of November, 2002.

Mayor

Administrator

CERTIFIED a true copy of By-law No. 692, entitled "Business License Regulation and Fees By-law No. 692, 2002".

DATED this 27th day of November, 2002.

Administrator

Schedule "A"

Business Classifications, Licence Fees and Regulations

1. Commercial and Industrial Business

Definition - any business permitted in the zones so designated in the Village of Fruitvale Zoning and Land Use Bylaw and any amendments thereto. This includes any delivery vehicle owned and operated by the licensee.

Annual Licence Fee \$60

2. Residential Rental Units and Mobile Home Park Spaces

Definition - any building or land that has independent living space available for rent and is zoned commercial, multiple dwelling or Mobile Home Park.

Every such unit must be registered with the Village. Each unit will be assessed utility service fees.

No Business Licence is required under this bylaw for premises that contain less than 5 units.

Annual Licence Fee for premises with more than 4 units: \$60

3. Home Occupation

Definition - any home-based business permitted in residential areas under the provisions of the Home Occupation Regulations set out in the Village of Fruitvale Zoning Land Use Bylaw and any amendments thereto.

Per business \$80

4. Mobile Business

Definition - any business that is carried out entirely from a motor vehicle or mobile unit that is designed to be or is mobile, including hand pushcarts and self-propelled concession stands. The only goods to be sold by a mobile business are food and beverages. 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 sale.

Every mobile business is subject to the regulations as stated in Schedule "B" of this bylaw. Schedule "B" forms a part of and is enforceable in the same manner as this bylaw.

Each mobile unit \$ 300.00

5. Miscellaneous Business

Definition - any business which is not carried on from premises within the Village of Fruitvale such as: Canvasser, delivery services, mobile sales and servicing (not including "Mobile Business" as previously described) and any other business which is not otherwise defined.

Per business \$ 100.00

Schedule "B"

Mobile Business Regulations

- a) A mobile business shall operate only from private property that is zoned for commercial or industrial use. The licensee must have the written consent of the property owner.
- b) No person shall offer for sale any goods or merchandise on a highway within the boundaries of the Village of Fruitvale.
- c) No form of music or voice amplifying device shall be allowed, and the operator shall use only a level speaking voice, with no shouting.

The operator of a mobile business must provide waste receptacles and shall be responsible for cleaning all litter generated within at least 10 meters of the mobile vending pushcart.