



THE CORPORATION OF THE VILLAGE OF FRUITVALE

Business License Bylaw No. 877, 2016

A Bylaw to License and Regulate Businesses

WHEREAS, the *Community Charter* authorizes Council of the Village of Fruitvale by bylaw to provide for the licensing and regulating of businesses;

NOW THEREFORE, Council of the Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as the "Village of Fruitvale Business License Bylaw 877, 2016.

2. REPEAL

Bylaw 692, 2002 cited as "Village of Fruitvale Business License and Fees Bylaw 692" is repealed in its entirety.

3. DEFINITIONS

"BUSINESS" means the carrying on of a commercial, industrial, or individual undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

"BYLAW ENFORCEMENT OFFICER" means a person acting as any of the following are designated for the purposes of this Bylaw and the *Local Government Bylaw Notice Enforcement Act*:

Bylaw Enforcement Officers, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of a municipality, regional district or local trust committee for the purpose of enforcement of one or more of its Bylaws.

"COUNCIL" means the Council of the Corporation of the Village of Fruitvale.

"DOOR-TO-DOOR AND DIRECT SALES" means the carrying on of a business by the display or demonstration of samples, the taking of orders, or the offering for sale of goods, wares, or other merchandise directly to or from any public place, in commercial premises or in private premises occupied by the prospective purchaser.

"INTER-MUNICIPAL BUSINESS LICENSE" means a business having an inter-municipal license through the City of Trail is deemed to have a license valid in the Village of Fruitvale and is exempt from requiring a license under this bylaw.

"LICENSE INSPECTOR" means the person, from time to time, duly appointed as License Inspector for the Village of Fruitvale, a peace officer and any employee of the Village acting in the capacity of License Inspector.

"MARIHUANA DISPENSARY" means a business or other operation (with legal status from both provincial and federal governments) involving the sale, barter distribution or dispensing of cannabis, marihuana or any products containing or derived from cannabis or marihuana, or the advertising or offering of such items for sale, barter distribution or dispensing.

"MOBILE BUSINESS" means 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.

"PERSON" includes any corporation, partnership, sole proprietorship, party or individual.

"TAXI" means a vehicle which is operated or plies for hire by members of the public for the transportation and conveyance of persons or property for hire, but does not include an ambulance, public transit bus, hearse or a vehicle driven by the person who hires it.

"VILLAGE" means the Village of Fruitvale.

4. ENFORCEMENT

- a. The License Inspector is authorized by Council to issue business licenses for the Village. The License Inspector may require that an applicant for a business license provide proof of certification, approval or qualification required by a federal, provincial or local government authority having jurisdiction over the business.
- b. The License Inspector is authorized by Council to suspend any business license in the Village. Every licensee under this Bylaw must permit reasonable access by the License Inspector to the premises at which the licensed business is being carried on for the purpose of ensuring that the requirements of the Village's bylaws are being fulfilled.
- c. Subject to the *Community Charter*, the License Inspector may enter business premises at a reasonable time to inspect and determine whether the regulations and requirements of this Bylaw are being met.
- d. The issuing of a business license under this Bylaw in no way implies or constitutes a representation of the License Inspector or the Village that the license holder is competent in the business operation for which the license is issued.
- e. The License Inspector may impose such terms and conditions on the issue or

renewal of a license as he considers reasonable.

5. LICENSE REQUIREMENTS

- a. No person shall carry on any business within the Village without a valid and subsisting business license issued to that person under this Bylaw.
- b. Every person who carries on a business in the Village shall comply with all bylaws of the Village and all applicable laws, rules, codes, regulations and orders of all Federal or Provincial authorities having jurisdiction over such business.
- c. A person who operates a business at more than one premises, shall apply for and maintain a separate business license for each premises.
- d. A person shall not carry on a business in or on any premises other than those identified on the business license without first making an application for a new business license or a change to the business license.
- e. Every business license issued under this bylaw is personal to the person named in the business license and may not be transferred to another person.
- f. Every holder of a business license shall keep a copy of the business license posted in a conspicuous place in the premises, vehicle or other mode of transport, place or structure where the business is conducted or undertaken and for which the license is issued.
- g. License requirements for taxis and vehicles for hire:
Prior to issuance or annual renewal of a business license to operate a taxi or vehicle for hire each owner/operator must produce to the satisfaction of the License Inspector the following documents:
 - i. proof of vehicle insurance that indicates the vehicle for hire is insured as a taxi or vehicle for hire and liability insurance in respect of the vehicle is for not less than Two Million (\$2,000,000) Dollars;
 - ii. proof that the vehicle for hire, in the previous 60 days, has been inspected by a Ministry of Transport designated inspection facility and a safety inspection certificate has been issued in respect of the vehicle.
- h. With respect to Taxis and Vehicles for Hire (Driver Permits):
 - i. No person shall be employed as, or shall act or engage to act as a driver, unless he is of the full age of nineteen (19) years, and is the holder of an annual permit issued to him by the Royal Canadian Mounted Police;
 - ii. No such permit shall be issued unless, in the opinion of the Royal Canadian Mounted Police, the applicant is of good character, is not awaiting trial on a charge alleging dishonesty, violence, indecency or concerning narcotics, and the applicant has an adequate knowledge of the English language and of the geography of area, as well as the contents of this Bylaw;
 - iii. Where a person holding a permit under the provisions of this section, by

- reason of his use of or dealing in intoxicants or narcotic drugs, or for any other reason, is in the opinion of the Royal Canadian Mounted Police, unfit to act as a driver, the Royal Canadian Mounted Police upon proof to his satisfaction of such unfitness, may suspend or cancel the permit.
- iv. Where an application for a permit is refused, suspended or cancelled by the Royal Canadian Mounted Police, the Royal Canadian Mounted Police shall, within seven (7) days after such refusal, suspension or cancellation, notify the applicant or holder in writing, stating the grounds for such refusal, suspension or cancellation, and an appeal shall lie to the Municipal Council of the Village from the refusal, suspension or cancellation and the decision of the Village Council thereon shall be final;
 - v. Every driver who holds a permit issued under this section shall have the permit in his possession at all times while driving or operating a vehicle on any highway, and shall produce the permit for inspection at any time upon the demand of a peace officer or police officer;
 - vi. Should there be any inconsistency between the provisions of this Bylaw and of the *Motor Vehicle Act*, the *Motor Vehicle Act* shall prevail.

6. LICENSE APPLICATION AND FEES

- a. The application for a business license and the business license issued thereafter shall be in the form prescribed by the Village of Fruitvale.
- b. The business license period shall be from January 1 to December 31 in each year.
- c. Every person applying for a new license shall, at the time of making the application, pay to the Village the license fee for the applicable type of business as specified in Schedule "A" attached to and forming a part of this Bylaw and all outstanding fees, charges and penalties due and payable to the Village in respect of the business.
- d. If a person begins to carry on a business after the 31st day of July in any year, the license fee prescribed in Schedule "A" for that business shall be reduced by fifty percent (50%), such reduction shall be only valid for the first year.
- 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 license 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.
- f. Unless a license is refused, no license fee paid under this Bylaw shall be refundable.
- g. A license shall be valid and subsisting when it has been issued by the License Inspector and the license fee prescribed in Schedule "A" has been paid.

7. PENALTY

- a. A person who:
 - i. contravenes or fails to comply with this Bylaw;
 - ii. permits, suffers or allows any act or thing to be done in contravention of this Bylaw;
 - iii. fails to carry out an order made under this Bylaw;
 - iv. fails or neglects to do anything required under a License;
 - v. provides false or misleading information to obtain a license under this Bylaw;
or
 - vi. carries on or remains open for business after receiving notice from the Village that the license for the business was suspended or cancelled;commits an offence and each day such an offence continues or is permitted to continue will constitute a separate offence.
- b. On being found guilty of an offence under this Bylaw, a person will be liable to pay a fine of up to \$10,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding six months under the *Offence Act*.
- c. This Bylaw is designated under section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a Bylaw Notice.
- d. Without limiting the enforcement options under section 4, a person who commits an offence under this Bylaw will be liable to a penalty established under the Bylaw Notice Enforcement Bylaw.
- e. Bylaw Enforcement Officers are designated to enforce this Bylaw by means of a Bylaw Notice under section 264 of the *Community Charter*.
- f. No person may obstruct a Bylaw Enforcement Officer in the fulfillment of his or her duties under this Bylaw.

8. SEVERABILITY

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this Bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

9. EFFECTIVE DATE

This Bylaw comes into force and effect upon its adoption.

READ A FIRST TIME this 12th day of December, 2016.

READ A SECOND TIME this 12th day of December, 2016.

READ A THIRD TIME this 12th day of December, 2016.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 14th day of December, 2016.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw 877 cited as "Village of Fruitvale Business License Bylaw 877, 2016".

Dated this 14th day of December, 2016

Chief Administrative Officer

SCHEDULE 'A'
to "Village of Fruitvale Business License Bylaw 877, 2016"

BUSINESS CLASSIFICATIONS, LICENSE FEES AND REGULATIONS

The Business License application process may involve inspections by Kootenay Boundary Regional Fire Service, the Building Inspection Department, Interior Health Authority and the Royal Canadian Mounted Police. If the business involves the selling liquor, a license is also required from the British Columbia Liquor Control and Licensing Branch.

Business License Fees

All businesses except those listed elsewhere here	\$ 85.00
Automotive Sales and Service	\$ 100.00
Auto Service Station and Confection	\$ 100.00
Bank/ Credit Union/Loan Company	\$ 100.00
Lounge / Beer Parlor licensed premises	\$ 100.00
Licensed Restaurant	\$ 90.00
Unlicensed Restaurant	\$ 85.00
Personal Services (hairstylist, consulting, etc.)	\$ 85.00
Retail (0-3000 Sq. Ft Retail Area)	\$ 85.00
Retail (3000-5000 Sq. Ft. Area or more)	\$ 125.00
Professional Offices (dental, medical, veterinary, physiotherapist, insurance company, government offices notaries, lawyers, engineers, realtors)	\$ 85.00
Home Occupations	\$ 90.00
Mobile Home Parks & Hotels, Rentals	\$ 80.00
Bed & Breakfast Establishments	\$ 80.00
Non Profit Thrift Stores	\$ Exempt
Mobile Business	\$ 125.00
Marihuana Dispensary	\$ n/a currently illegal