

THE CORPORATION OF THE VILLAGE OF KEREMEOS

Bylaw No. 757, 2008

**A Bylaw to provide for regulation in relation to the
conduct of business within the Village of Keremeos**

WHEREAS Council may by Bylaw regulate in relation to business;

THEREFORE the Council of the Village of Keremeos, in open meeting assembled,
enacts as follows:

TITLE

This Bylaw may be cited for all purposes as “Business Regulation Bylaw No. 757, 2008”.

DEFINITIONS

In this Bylaw:

“Bylaw Enforcement Officer” means an employee of the Village or the authorized agent or employee of any contractor with whom the Village has an agreement to enforce its regulatory Bylaws, appointed from time to time by resolution of Council as a Bylaw Enforcement Officer.

"Business" means 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 the activity carried on by the government, its agencies or government owned corporations;

"License Inspector" means the Chief Administrative Officer of the municipality, and/or any person duly appointed from time to time by Council as license inspector for the municipality.

“Mobile Business” means a Business that performs a service or activity within more than one participating municipality as outlined in the Village’s Mobile Licence Bylaw but not from or in premises in one or more participating municipalities and who provides the service or activity by moving from client to client.

“Non-Resident” means 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.

“Principal Municipality” means the Participating Municipality where a Business is located or has a Premises, or where the licensee does not maintain a Premises in any of the Participating Municipalities the jurisdiction that issues the Mobile Business License.

“Resident” means a business carried out in or from premises within the municipality.

REGULATIONS

1. Licensing

- a) Subject to the exceptions contained in this Bylaw or any other law of British Columbia, no business shall be carried on within the boundaries of the Village of Keremeos unless the owner or operator thereof holds a valid license granted pursuant to this Bylaw for carrying on the business.
- b) An applicant for a business license under this Bylaw shall make application to the License Inspector on a form prescribed from time to time by the License Inspector.
- c) The application form shall be completed in full and shall be signed by the owner of the business or an agent authorized in writing by the owner, provided however, that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed the duly authorized agent of all the owners or partners.
- d) A fee of \$100 per year will apply to every business.
- e) The license fee shall be reduced by 50% if the license is applied for after July 1 in any calendar year.
- f) No refund of a license fee shall be made on account of any business ceasing to do business at any time.
- g) A license fee shall be refunded only if the application for a license is withdrawn prior to issuance of the license or if issuance of the license is refused.
- h) Any change of business requires the holder of a license under this Bylaw to obtain a transfer of their license from the existing place of business to their proposed new place of business. Every application for such transfer shall be in the form prescribed from time to time by the License Inspector. A fee of \$20 will apply to such transfer.

- i) Every license granted under this Bylaw shall be posted in a conspicuous manner at the place of business to which it relates. If this business is not carried on, in or from premises within the municipality, then the license or a true copy thereof shall be carried on the person of anyone doing business under the said license within the Village of Keremeos boundaries.
- j) Where a business is carried on in or from more than one premise in the municipality, the business carried on, from or in each shall be deemed a separate business and a business license is required for each business.
- k) Where a business is carried on in or from a premise which encroaches on a property owned by the Village of Keremeos, the business shall be required to enter into and maintain a valid “Village of Keremeos Encroachment Agreement”.
- l) Where it is deemed that more than one separate and distinct business is functioning at one premise, and/or operating under a common business name, each business shall be deemed a separate business and a business license shall be required for each business.
- m) Every license granted under this Bylaw shall be issued in the form prescribed from time to time by the License Inspector.

2. Exemptions

- a) A license is not required for:
 - (i) a performance, concert, exhibition, entertainment or concession which is held in a licensed theatre or other licensed place
- b) The following non-resident businesses are not required to hold a license under the Bylaw:
 - i) commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses;
 - 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;
 - iii) owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged;

- iv) a wholesaler, manufacturer or processor who is only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicle to merchandise for resale by them in the ordinary course of their business.
- c) A license is not required for artists, craftsmen or other persons participating in an activity such as an arts and crafts show, sidewalk sale, farmers market, or other similar activity sponsored by the Village of Keremeos, Similkameen Country (Keremeos and area Chamber of Commerce), the Similkameen Recreation Commission or other similar non-profit organizations whose primary objective is to promote community, cultural, recreational or business development activities.
- d) Pursuant to the *Real Estate Services Act* a municipality may not impose on a licensee under this Act any license fee for carrying on their business unless the licensee occupies or uses premises in the municipality for carrying on their business.

3. Duration of Licenses

- a) Except as otherwise provided by this Bylaw, licenses shall be granted as annual licenses for a period of one year commencing on the 1st day of January of each year and expiring on the 31st day of December of the same year.
- b) The License Inspector may forward an invoice and renewal form on or before November 30 in each year, to every holder of a license granted pursuant to this Bylaw. Notwithstanding this section, the holder of a license shall be responsible for obtaining and submitting a renewal form.
- c) A holder of a license who proposes to renew a license shall submit the renewal form accompanied by the applicable license fee to the License Inspector prior to expiry of the license on December 31.
- d) In the event that a license holder fails to renew their business license within 60 days of the renewal date, they must re-apply for a business license and will be subject to all background and building reviews which every new applicant is subject to under the provisions of this Bylaw.

POWERS AND DUTIES OF THE LICENSE INSPECTOR

- 1. The Chief Administrative Officer of the Municipality and/or any person duly appointed from time to time by Municipal Council may act as License Inspectors.

2. The License Inspector may:
 - (i) Grant a license under this Bylaw upon being satisfied that the applicant has complied with the Bylaws of the Village regulating building, zoning, health, sanitation and business
 - (ii) Suspend any license for the period he or she decides if its holder is:
 - (a) Convicted of any offence indictable in Canada;
 - (b) Convicted of any offence under any municipal Bylaw or statute of the Province in respect of the business for which he is licensed or with respect to the premises named in his license;
 - (c) Has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in his or her license that it warrants the suspension of his or her license;
 - (d) Has ceased to meet the lawful requirements to carry on the business to which he or she is licensed or with respect to the premises named in the license; or
 - (e) Has, in the opinion of the License 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 19 years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 19 years.
3. A person whose license has been suspended under this Bylaw may appeal to the Council, which may, on the appeal, confirm or set aside the suspension on terms acceptable to the Council.
4. The License Inspector and any Bylaw Enforcement Officer of the Village are hereby authorized to enter, at all reasonable times, on any property which is subject to the provisions of this Bylaw to ascertain whether the provisions of this Bylaw are being observed.

EFFECT OF LICENSE

1. A license granted pursuant to this Bylaw authorizes the business to be carried on only at the premises or location described in the license.

2. A license is not a representation or warranty that the licensed business or the business premises comply with the Bylaws of the Village or with any other regulations or standards. The holder of the license remains responsible to ensure compliance with all Bylaws and enactments.

GENERAL

1. If any section, subsection or clause of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remainder of this Bylaw.
2. A person who carries on a business for which a license is required by this Bylaw without holding a valid and subsisting license for the business commits an offence and is punishable in accordance with the Offence Act.
3. Every person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to a total fine of not more than two thousand dollars (\$2,000.00) plus the cost of prosecution for each offence.
4. Every day or portion of day for which an offence continues shall constitute a new offence, and separate charges may be laid for each day in which an offence occurs.
5. All business licenses issued for the business license year beginning November 1st 2007 are hereby automatically extended to be in force and effect until December 31, 2008 with no additional charges being applied to those business license holders for the extension of their license until December 31, 2008.
6. Business License Bylaw No. 591, 1999 and all subsequent amendments are hereby repealed.

READ a first time this 20th day of October, 2008

READ a second time this 20th day of October, 2008

READ a third time 20th day of October, 2008

ADOPTED this 17th day of November, 2008

Mayor

Chief Administrative Officer