

CITY OF PORT ALBERNI

BYLAW NO. 4543

A BYLAW TO PROVIDE FOR THE LICENCING, REGULATING AND SETTING OF FEES FOR ALL BUSINESSES WITHIN THE CITY OF PORT ALBERNI

PURSUANT to Section 363 and Part 20, Division 1& 2 of the *Local Government Act* the Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

1. Title

1.1 This Bylaw may be known and cited for all purposes as the "**Business Licence Bylaw**".

2. Interpretation

2.1 In this Bylaw, where the context requires, the singular includes the plural and the masculine includes the feminine and neuter.

2.2 In this Bylaw:

"**Agent**" means a person who acts on behalf of another person by authority from him to do business within the Municipality and who charges or receives a commission or other payment for so doing;

"**Applicant**" means any person who makes an application for a business licence under the provisions of this Bylaw;

"**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, but does not include an activity carried on by the government, its agencies or government owned corporations;

"**Council**" means the Council of the City of Port Alberni;

"**Floor Area**" means the area or premises used for the carrying on of a business which shall include mezzanine floors, the spaces used for and occupied by aisles, street entrances, counters, show windows, racks, fitting rooms and storage facilities, and spaces occupied by stairways, elevators and escalator shafts and restrooms;

"**Licence Inspector**" means the official appointed by Council to administer this Bylaw, and includes his successor in office, his lawful deputy and any other person Council may designate to act in his place;

"**Mobile Peddler**" means a commercial traveller offering for sale or selling merchandise or services directly to the public, including any hawker, peddler or huckster;

"**Municipality**" means the City of Port Alberni;

"Room" means a room or any space being used as a room, but shall not include a bathroom. A combined living and dining room or a combined living room and kitchen shall be deemed to be two rooms.

3. Business Licence Fees

- 3.1 There is hereby fixed and imposed upon each business for which a business licence is required under this Bylaw a business licence fee as set out in Schedule "A" attached hereto and forming part of this Bylaw.
- 3.2 Prior to the issuance of a business licence, an applicant shall pay to the Licence Inspector the licence fee for the type of business to be carried on, as set out in Schedule "A" attached hereto and forming part of this Bylaw.

4. Requirement To Hold A Business Licence

- 4.1 no person shall carry on a business within the Municipality unless he is the holder of a valid and subsisting business licence issued to him under this Bylaw by the Licence Inspector.

5. Renewal Of Business Licence

- 5.1 It shall be incumbent upon each person to renew a business licence prior to the first business day of each licencing period as long as such business is being carried on.

6. Powers of Licence Inspector

- 6.1 The Licence Inspector shall have the power to grant, issue, transfer and suspend licences as hereinafter provided.
- 6.2 The Licence Inspector shall grant a licence where satisfied that the applicant has complied with the bylaws of the municipality regulating building, zoning, health, sanitation and business, and shall suspend any licence for the period he decides if its holder:
- a) is 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 licence;
 - b) 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;
 - c) has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his licence.

A person whose licence has been suspended under subsection 6.2 herein may appeal to the Council, which may on the appeal confirm or set aside the suspension on the terms it thinks fit.

7. Applications for a Business Licence

- 7.1 An application for a business licence shall be in the form Schedule "B" attached hereto and forming part of this Bylaw and shall be signed by the owner or operator of the business or his duly authorized agent, provided 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 to be the duly authorized agent of all the owners or the partnership.

- 7.2 The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee prescribed in Schedule "A" attached hereto and forming part of this Bylaw.
- 7.3 A separate application form is required for each business for which a business licence is required under this Bylaw.

8. Licence Inspector To Pay Licence Fees Over To Treasurer

- 8.1 All fees collected by the Licence Inspector under this Bylaw shall be paid forthwith to the Director of Finance of the Municipality who shall deal with the said fees in the manner provided by the *Local Government Act*.

9. Fees and Term of Business Licence

- 9.1 Except as hereinafter provided, all business licences granted under this Bylaw, unless the same becomes sooner forfeited, shall be for a one year period to commence the first day of January and to terminate the 31st day of December in each and every year.
- 9.2 No proportionate reduction or rebate of a business licence fee shall be made on account of any person commencing to do business after January 1st or ceasing to do business before December 31st in any year, except that a person who becomes liable to be licensed after the 31st day of July in any year shall pay one half of the prescribed licence fee.
- 9.3 The period for a business licence for a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment or exhibition may be six months, three months, one month or one day, and the period requested shall be by written application to the Licence Inspector with the signature of the applicant.
- 9.4 The period for a licence for a circus, horse show, dog show, pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be for one day.

10. Form of Business Licence

- 10.1 Every business licence granted pursuant to this Bylaw shall be in the form of Schedule "C" attached hereto and forming part of this Bylaw.

11. General Licencing Requirement

- 11.1 No person shall carry on one business at two or more premises at the same time under one business licence.
- 11.2 Where a person proposes to relocate a licensed business from the premises authorized by the business licence to new premises, the person shall not commence operation of the business at the new premises unless he has obtained the approval of the Licence Inspector for a transfer of the licence to the new premises. The particulars of such a transfer shall be endorsed on the business licence by the Licence Inspector.

11.3 Every licence granted under this Bylaw shall be deemed to be a personal licence to the licensee therein named and shall not be transferable to any other person.

12. Power to Inspect

12.1 The Licence Inspector may enter, at all reasonable times, upon any premises subject to the regulations of this Bylaw, to ascertain whether such regulations are being obeyed, provided that:

- a) consent to inspect the land has been obtained from the owner or occupier of the premises; or
- b) where such consent has been refused, notice of the intent to inspect has been given to the owner or occupier no less than 24 hours prior to the time of the inspection.

13. Display of Business Licence

13.1 Every person who has been issued a business licence pursuant to this bylaw shall at all times keep the business licence, or a legible copy thereof, prominently displayed in a conspicuous location on the premises at which such person is carrying on the business.

14. Offences and Penalties

- a) Licence Inspectors are authorized to enforce this Bylaw;
- b) A Licence Inspector is authorized to enter onto any property or into any building without warrant to ascertain that the provisions of this bylaw are being met.
- c) Any person who contravenes a provision of this bylaw commits an offence and is liable upon summary conviction of a fine of not less than \$1000.00 and not more than \$10,000;
- d) This Bylaw is designated, pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26, as a Bylaw that may be enforced by means of a ticket in the prescribed form;
- e) The words or expressions listed in Schedule "D" of this Bylaw in the "Designated Expression" column are authorized to be used on a ticket, pursuant to section 264(1)(c) of the *Community Charter*, to describe an offence against the respective section of this Bylaw appearing in the "Section" column and shall be subject to a fine as listed in the corresponding "Fine Amount" column, set as per Section 265 of the *Community Charter*;
- f) Each day a person is in contravention of this Bylaw constitutes a separate offence.

15. Severability

15.1 If any section, subsection, or clause in this Bylaw is held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

16. Repeal

16.1 Bylaw No. 4206 & 4254 are hereby repealed.

17. Effective Date

17.1 This Bylaw shall come into force and effect on January 1st, 2004 and all business licence fees applicable to the 2004 licence year shall be in accordance with this Bylaw notwithstanding that such fees may be sooner paid.

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

READ A SECOND TIME 8TH DAY OF DECEMBER, 2003.

READ A THIRD TIME THIS 8TH DAY OF DECEMBER, 2003.

FINALLY ADOPTED THIS 22ND DAY OF DECEMBER, 2003.

Mayor

Clerk

SCHEDULE "A" TO BUSINESS LICENCE BYLAW, NO. 4543

CATEGORY: 1. Service FEE: \$120.00

DESCRIPTION

All businesses except those identified in Category 2, 3, 4, 5 or 6 of this schedule.

CATEGORY: 2. Escort Service FEE: \$2,000.00

DESCRIPTION

Escort Service

CATEGORY: 3. Financial Institutions FEE: \$500:00

DESCRIPTION

Banks
Trust Companies
Finance Companies

CATEGORY: 4. Liquor Outlets FEE: \$200:00

DESCRIPTION

Public houses
Lounges
Cabarets
Night Clubs
Liquor Stores, etc.

CATEGORY: 5. Pawnbrokers FEE: \$500.00

DESCRIPTION

Pawnbrokers

CATEGORY: 6. Special Events FEE: \$200.00

(per day, to a maximum of \$2,000.00 per event)

DESCRIPTION

Carnival
Circus
Exhibition
Horse/pony Show
Dog Show

SCHEDULE "B" TO BUSINESS LICENCE BYLAW, NO. 4543

**City of Port Alberni
Business Licence Application**

Businesses operating in the City of Port Alberni are required to have a valid business licence. The information requested in this application is necessary to fully evaluate your request for a business licence. Completion of this form does not guarantee approval of a business licence, nor should business be commenced prior to a licence being issued.

Date _____ New Licence _____ Renewal _____ Address Change _____ Class Addition _____
Change of Owner _____ Business Name Change _____ Home Occupation _____ Home Based _____

Trade Name of Business		Name of Licencee, Owner (or Parent Company)	
Business Address (including postal code)		Owner (Licencee) Home Address (if different)	
Phone/Fax Numbers: Business _____ Home _____ Fax _____		Type of Business	
Trade Qualification	Area - Square Meters (if Applicable)	Vendor/Mobile (please circle)	Number of Employees
Emergency Contacts - for Fire and Police (two if possible)			
Name:		Number:	
Name:		Number:	

I, _____ hereby make application for a licence in accordance with the particulars as stated in this application, and declare the information in this statement to be 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 City of Port Alberni. I further understand that if this application involves the use of premises for business purposes that they may not be occupied until they have been inspected by the City Department concerned and a licence is issued. I also understand that the payment of the Business Licence fee in advance does not guarantee approval, nor may I commence business until such time as a Business Licence is approved and issued.

Signature _____

Date _____

For Office Use Only					
Zoning (if applicable)		Business Class:			
Required Checks	Approved	Declined	Date	Initial	ANNUAL FEE: _____ FEE PAID: _____ DATE PAID: _____ CASH _____ CHEQUE _____ DEBIT _____
Planning					
Building					
Fire					
Health					
RCMP					
Other					

Approved this ____ day of _____, 200__.

Business Licence Inspector _____ Business Licence No. _____

The personal information on this form is collected for the purpose of an operating program of the City of Port Alberni as authorized by Section 26(c) of the Freedom of Information and Privacy Act. If you have any questions about the collection and use of this information, please contact the City Clerk at (250) 720-2810.

Information collected on this form and details of the permit or licence applied for or reasons for denial for the permit or licence is routinely available to the public pursuant to Section 33 of the Freedom of Information and Protection of Privacy Act.

SCHEDULE "C"



CITY OF PORT ALBERNI
BUSINESS LICENCE

THIS LICENCE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE BUSINESS PREMISES, IS NON-TRANSFERABLE, AND IS VOID ON CHANGE OF OWNERSHIP.

BUSINESS & LOCATION:

LICENCE NO:

LICENCE FEE:

EXPIRES ON:

LICENCEE:

CONDITIONS:

HAS PAID THEIR REQUIRED LICENCE FEE AND IS ENTITLED TO CARRY ON THE BUSINESS DESCRIBED AS:

IN A LAWFUL MANNER AND THIS LICENCE IS ISSUED SUBJECT TO THE PROVISIONS OF ALL BYLAWS OF THE CITY OF PORT ALBERNI, NOW OR HEREAFTER IN FORCE, AND TO ALL AMENDMENTS THAT MAY HEREAFTER, DURING THE CURRENCY OF THIS LICENCE BE MADE TO SAID BYLAW. IN THE EVENT THE NAME OR NATURE OF THE BUSINESS IS CHANGED, OR THE ADDRESS FROM WHICH THE BUSINESS IS CARRIED ON IS CHANGED, THE LICENCE DEPARTMENT MUST BE NOTIFIED.

SCHEDULE "D"
FINE SCHEDULE

Designated Expression	Section	Fine Amount
Carry on business without a licence	4.1	\$150
Fail to renew a licence	5.1	\$150
Fail to display a licence	13.1	\$100