THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #920

A BYLAW TO LICENSE AND REGULATE BUSINESSES

WHEREAS the *COMMUNITY CHARTER* authorizes the Council of the Village of Warfield by bylaw to provide for the licensing and regulating of businesses;

NOW THEREFORE the Council of the Village of Warfield, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. (a) This Bylaw may be cited as the "Village of Warfield Business Licence Bylaw No. 920, 2022".

DEFINITIONS

2. "Business" means

   a) the carrying on of a commercial, industrial, or personal undertaking of any kind, or

   b) providing professional, personal or other services for the purpose of gain or profit,

   but does not include activities carried on by the government, its agencies, or government-owned corporations.

   "Council" means the Council of the Village of Warfield.

   "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 Licence" means a business having an inter-municipal licence through the other municipalities within the jurisdiction of the Regional District of Kootenay Boundary (RDKB) is deemed to have a licence valid in the Village of Warfield and is exempt from requiring a licence under this bylaw.

   "Licence" means a valid and existing business licence issued pursuant to this bylaw.

   "Licence Inspector" means the person, from time to time, duly appointed by Council as Licence Inspector for the Village of Warfield, a peace officer and any employee of the Village acting in the capacity of Licence 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 designated 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 person.
"Village" means the Village of Warfield.

ISSUING, SUSPENDING AND REVOKING LICENCES

3. (a) No business activity shall be permitted in the Village unless the owner or operator of such business activity has first obtained a licence in the form depicted in schedule 'A' attached to and forming part of this bylaw and issued pursuant to this Bylaw, or such business is specifically exempt from the licensing requirement under this Bylaw or a Provincial or Federal statute.

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

   (c) The business licence must be prominently displayed in the place of business.

   (d) An owner or operator of a business shall be entitled to receive a business licence provided that:

      i. a business licence application pursuant to schedule 'B' attached to and forming part of this Bylaw has been completed and submitted to the Licence Inspector, and

      ii. a licence fee, for the applicable business type of business as prescribed in schedule 'C' attached to and forming part of this Bylaw and all outstanding fees charges and penalties due and payable to the Village in respect of the business, have been paid in full, and

      iii. the business location and activity are in compliance with the Village of Warfield Zoning Bylaw and all other applicable Village bylaws rules, codes and regulations and orders and rules, codes and regulations of all Federal or Provincial authorities having jurisdiction over such business, and

   (e) Every business for which a licence may be required under this bylaw shall allow, at any reasonable time, the Licence Inspector, an employee or agent of the Village authorized by the manager to inspect their place of business and any other premises, equipment, vehicles or property used for purposes related to the trade, business or occupation to determine compliance with the requirements of this bylaw.

   (f) No person shall obstruct, hinder or otherwise interfere with an authorized employee or agent of the Village while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this by-law.

(g) It is the responsibility of the business to comply with any instructions or regulations from Fire Prevention Officers and or Building Inspectors.

. (h) Subject to the conditions of this section, Council may, by resolution, suspend or revoke a business licence if a business activity is found to be in contravention of this or any other Warfield bylaw, or a provincial or a federal statute.

(i) Before considering a resolution to suspend or revoke a business licence, Council shall:

i. receive a report from the Licence Inspector stating the alleged bylaw offense(s) committed by the owner or operator of the business in direct relationship to the operation of the business, and the attempts made by the Licence Inspector to achieve compliance by the owner or operator of the business with the municipality's bylaws, and

ii. provide the owner or operator of the business with an opportunity to show cause why the business licence should not be suspended or revoked.

(j) A Council resolution to suspend or revoke a business licence shall state:

i. the reason for suspending or revoking the business licence, and

ii. if a business licence is suspended, the duration of the suspension.

(k) An owner or operator whose business licence has been revoked by a resolution of Council may, not sooner than twelve (12) months following the date at which a business licence has been revoked, apply for a new business licence, and the revocation shall not affect the owner or operator's right to obtain a new business licence subject to the terms and conditions of this Bylaw.

(l) When an owner or operator holds more than one business licence and Council suspends or revokes a business licence held by such owner or operator, the validity of business licence(s) not specifically suspended or revoked by Council shall not be affected.

. (m) A business licence is valid only for the owner or operator in whose name it has been originally issued, and it may not be transferred to a subsequent owner or operator of the business.

(n) A person who operates a business at more than one premises, shall apply for and maintain a separate business licence for each premise.

(o) A person shall not carry on a business in or on any premises other than those identified on the business licence without first making an application for a new business licence or a change to the business licence.

LICENCE DURATION

4. (a) The licensing period shall commence on the first day of January in each year and shall terminate on the last day of December in each year.

(b) Notwithstanding the date of issue, every business licence issued under this Bylaw shall expire on the last day of December in each year.

(c) The business licence fee for a licence issued at any time after the first day of July in any year shall be fifty percent (50%) of the annual fee.

(d) Notwithstanding any provisions of this Bylaw to the contrary, a business licence issued on an application received and approved on or after the first day of November in each year shall expire on the last day of December in the next following year.

BUSINESS CLASSES

5. (a) The classes of business shall be as defined in schedule 'C' attached to and forming part of this Bylaw.

(b) A business activity not specifically defined in schedule 'C' of this Bylaw shall be deemed to be a "General Service" business.

(c) If an owner or operator operates more than one business for which a licence is required under this Bylaw in one location, the owner or operator shall indicate which of the businesses is to be the principal business, and all other businesses operated in the same location shall be deemed a "Secondary Business."

(d) Activities such as bona fide garage sales and fund-raising activities by volunteer community organizations, whether or not based in Warfield, shall not be deemed business activities for the purposes of this Bylaw.

INTER-MUNICIPAL BUSINESS LICENCE

6. (a) The Village of Warfield is a signatory to an inter-municipal business licensing agreement with other municipalities in the Regional District of Kootenay Boundary.

(b) The holder of an inter-municipal business licence issued under the terms of the inter-municipal business licence agreement referred to in this section shall be deemed to be duly licensed under this Bylaw and shall not be required to obtain a parallel business licence from the Village of Warfield.

ADMINISTRATION

7. (a) Council shall, by resolution, appoint one or more Licence Inspector(s) who shall be accountable to Council for the execution of the Licence Inspector's duties as defined in this Bylaw.

(b) The Licence Inspector shall prepare, not later than the last day of March and the last day of September in each year a Business Licence Register listing all current business licences. The Business Licence register shall be posted on the Village bulletin board and submitted to Council at the first regular meeting following the issue date of the register.

ENFORCEMENT

8. (a) The Licence Inspector is authorized by Council to issue business licences for the Village. The Licence Inspector may require that an applicant for a business licence provide proof of certification, approval or qualification required by a

Federal, Provincial or Local government authority having jurisdiction over the business.

(b) A person who contravenes or fails to comply with any provision of this Bylaw or who permits, suffers or allows any act or thing to be done in contravention of this bylaw or who fails or neglects to do anything required under a Village of Warfield Business Licence and a person who carries on or remains open for business after receiving a notice from the Village that the Licence for the business was suspended or cancelled shall be deemed to have committed an offence.

(c) A person found guilty by a court of competent jurisdiction to have committed an offense under this Bylaw shall, on summary conviction, be subject to a fine not exceeding two thousand dollars ($2,000.00).

ENACTMENT

9. (a) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

(b) This Bylaw shall come into full force and effect upon its adoption.

(c) Bylaw # 836, the Village of Warfield "2017 Business Licence Bylaw", a bylaw to regulate a business licence, is hereby repealed.

Read a First time this	day of	,2022.
Read a Second time this	day of	,2022.
Read a Third time this	day of	,2022.
Reconsidered and Adopted this	day of	,2022.

_____ _____

Mayor Corporate Officer

Certified a true copy of Bylaw #920, as adopted.

_____

Corporate Officer

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #920

SCHEDULE 'A' – BUSINESS LICENCE

The Corporation of the Village of Warfield

Business Licence
(year)

(name of business)

(address of business)

(application #)

This is to confirm that (name of business) is duly licensed to carry on the business of (class) for the year (year) in the Village of Warfield pursuant to the "Village of Warfield Business Licence Bylaw No. 920, 2022".

_____ (Date)

_____ (Signature of Licence Inspector)

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #920

SCHEDULE 'B' – BUSINESS LICENCE APPLICATION

Application #: _____

Please print the following information:

Name of Applicant in Full _____

Address of Applicant _____

Name of Business _____

Identification: _____
(Birth Certificate, Driver's Licence, etc.)

Civic Address of Business: _____

Phone Number (Home): _____ Phone Number (Business) _____

E-mail Address: _____

Business Class (see schedule 'C')

- Primary Business Class _____
- Secondary Business Class(es) _____

Licence Duration: From _____ to December 31, _____
(Date) (Year)

Licence fee is $55 for the primary business class and $25 for each secondary business class conducted on the same property.

I, _____, hereby make application for a licence in accordance with the "Village of Warfield Business Licence Bylaw #920, 2022" and the information provided in this application, and I declare that the information provided in this application is true and correct, and I agree to comply with the laws and bylaws applicable to the operation and conduct of the business to be licensed and the property on which the business is to be located.

_____ _____
(Date) (Signature of Applicant)

VILLAGE OFFICE USE ONLY:

Application #: _____

Classification: _____

Fee: _____

DEPARTMENT CHECKS:

Fire Inspector _____

Health Officer _____

Building Inspector _____

Comments:

_____

_____

_____

The above information is required in accordance with the provisions of the "Village of Warfield Business Licence Bylaw #920, 2022".

Licence approved / rejected:

_____ _____

(Date) (Signature of Licence Inspector)

Reason(s) for licence rejection:

_____

_____

_____

_____

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #920
SCHEDULE 'C' – BUSINESS LICENCE FEES

The classes of business recognized in the Village of Warfield and the fees payable for a licence in each class shall be as follows:

1.	**Primary Business classes** (full year)		
	a) Retail service (incl. store, service station, bank, etc.)	$	55.00
	b) Professional service (incl. medical, accounting, legal, etc.)	$	55.00
	c) Personal service (incl. hairdressers, care-giver, etc.)	$	55.00
	d) Manufacturing & Processing (incl. ready mix, machine shop, etc.)	$	55.00
	e) Contracting (incl. construction, painting, plumbing, etc.)	$	55.00
	f) Food Services (incl. restaurants, coffee shops, take-out, etc.)	$	55.00
	g) Accommodation (incl. apartments, motels, hotels, etc.)	$	55.00
	h) Home Occupation (incl. all occupations permitted by zoning)	$	55.00
	i) General Service (all other services)	$	55.00
2.	**Secondary Business** (full year, classes identical to Primary Business)	$	25.00
3.	**Primary Business** (issued after July 1 – all classes)	$	30.00
4.	**Secondary Business** (issued after July 1 – all classes)	$	12.50