

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #836

A BYLAW TO REGULATE AND LICENSE BUSINESS

WHEREAS Part 3 (9) (59-61) of the *COMMUNITY CHARTER* authorizes the Council of the Village of Warfield to regulate and license business,

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

SHORT TITLE

1. (1) This Bylaw may be cited as the "**2017 BUSINESS LICENSE BYLAW**"

DEFINITIONS

2. "Business" means
 - a) carrying on a commercial or industrial 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

"License" means a valid and existing business license issued pursuant to this bylaw.

"License Inspector" shall mean the individual appointed by Council as License Inspector for the Village of Warfield

ISSUING, SUSPENDING AND REVOKING LICENSES

3. (1) No business activity shall be permitted unless the owner or operator of such business activity has first obtained a license 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. The business license must be prominently displayed in the place of business.
- (2) An owner or operator of a business shall be entitled to receive a business license provided that:

- a) a business license application pursuant to schedule 'B' attached to and forming part of this Bylaw has been completed and submitted to the License Inspector, and
 - b) a license fee as prescribed in schedule 'C' attached to and forming part of this Bylaw has been paid in full,
 - c) the business location and activity is in compliance with the Zoning Bylaw.
 - d) Every business for which a license may be required under this bylaw shall allow, at any reasonable time, 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 by-law.
 - e) 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.
 - f) It is the responsibility of the business to comply with any instructions or regulations from Fire Prevention Officers or Building Inspectors.
3. (1) Subject to the conditions of this section, Council may, by resolution, suspend or revoke a business license if a business activity is found to be in contravention of this or any other Warfield bylaw, or a provincial or a federal statute.
- (2) Before considering a resolution to suspend or revoke a business license, Council shall:
- a) receive a report from the License 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 License Inspector to achieve compliance by the owner or operator of the business with the municipality's bylaws, and
 - b) provide the owner or operator of the business with an opportunity to show cause why the business license should not be suspended or revoked.
- (3) A Council resolution to suspend or revoke a business license shall state:
- c) the reason for suspending or revoking the business license, and
 - d) if a business license is suspended, the duration of the suspension.
- (4) An owner or operator whose business license has been revoked by a resolution of Council may, not sooner than twelve (12) months following the date at which a business license has been revoked, apply for a new business license, and the revocation shall not affect the owner or operator's right to obtain a new business license subject to the terms and conditions of this Bylaw.

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

LICENSE DURATION

5. (1) 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.
- (2) Notwithstanding the date of issue, every business license issued under this Bylaw shall expire on the last day of December in each year.
- (3) The business license fee for a license issued at any time after the first day of July in any year shall be fifty percent (50%) of the annual fee.
- (4) Notwithstanding any provisions of this Bylaw to the contrary, a business license 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

6. (1) The classes of business shall be as defined in schedule 'C' attached to and forming part of this Bylaw.
- (2) A business activity not specifically defined in schedule 'C' of this Bylaw shall be deemed to be a "General Service" business.
- (3) If an owner or operator operates more than one business for which a license 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."
- (4) 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 LICENSE

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

- (2) The holder of an inter-municipal business license issued under the terms of the inter-municipal business license 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 license from the Village of Warfield.

ADMINISTRATION

8. (1) Council shall, by resolution, appoint one or more License Inspector(s) who shall be accountable to Council for the execution of the License Inspector's duties as defined in this Bylaw.
- (2) The License Inspector shall prepare, not later than the last day of March and the last day of September in each year a Business License Register listing all current business licenses. The Business License 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

9. (1) A person who contravenes, or fails to comply with any provision of this Bylaw shall be deemed to have committed an offence.
- (2) 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

- 10. (1) 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.
- (2) This Bylaw shall come into full force and effect on the 1st day of January 2017.
- (3) Bylaw #643, a bylaw to regulate a business license, is hereby repealed.

READ A FIRST TIME	this 18 th day of January, 2017
READ A SECOND TIME	this 18 th day of January, 2017
READ A THIRD TIME	this 18 th day of January, 2017
RECONSIDERED AND FINALLY ADOPTED	this 1 st day of February, 2017

Mayor

Village Clerk

Certified a true copy of Bylaw #836, as adopted.

Village Clerk

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #836

SCHEDULE 'A' – BUSINESS LICENSE

The Corporation of the Village of Warfield

Business License

(year)

(name of business)
(address of business)

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 "2017 Business License Bylaw."

(date)

(Signature of License Inspector)

THE CORPORATION OF THE VILLAGE OF WARFIELD
BYLAW #836
SCHEDULE 'B' – BUSINESS LICENSE APPLICATION

Name of Applicant in Full _____

Address of Applicant _____

Name of Business _____

Address of Business _____

Telephone Number _____

Business Class (see schedule 'C')

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

License Duration: From _____ to December 31, _____
(date) (year)

License fee is \$40 for the primary business class and \$15 for each secondary business class conducted on the same property.

I, _____, hereby make application for a license in accordance with the Village of Warfield 2017 Business License Bylaw 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 license and the property on which the business is to be located.

(date)

(Signature of Applicant)

License approved / rejected:

(date)

(Signature of License Inspector)

Reason(s) for license rejection:

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #836

SCHEDULE 'C' – BUSINESS LICENSE FEES

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

- 1. Primary Business classes** (full year)
 - a) Retail service (incl. store, service station, bank, etc.) \$ 40.00
 - b) Professional service (incl. medical, accounting, legal, etc.) \$ 40.00
 - c) Personal service (incl. hairdressers, care-giver, etc.) \$ 40.00
 - d) Manufacturing & Processing (incl. ready mix, machine shop, etc.) \$ 40.00
 - e) Contracting (incl. construction, painting, plumbing, etc.) \$ 40.00
 - f) Food Services (incl. restaurants, coffee shops, take-out, etc.) \$ 40.00
 - g) Accommodation (incl. apartments, motels, hotels, etc.) \$ 40.00
 - h) Home Occupation (incl. all occupations permitted by zoning) \$ 40.00
 - i) General Service (all other services) \$ 40.00
- 2. Secondary Business** (full year, classes identical to Primary Business) \$ 15.00
- 3. Primary Business** (issued after July 1 – all classes) \$ 20.00
- 4. Secondary Business** (issued after July 1 – all classes) \$ 7.50