

This is a consolidated copy of the following bylaws:

1. Village of Belcarra Business Licence Bylaw No. 227, 1995
2. Village of Belcarra Business Licence Amendment Bylaw No. 317, 2000

This consolidation is prepared for convenience only. Individual copies of the above bylaws may be obtained by contacting the Village Office.

## VILLAGE OF BELCARRA

### Bylaw No. 227, 1995

#### **Village of Belcarra Business Licence Bylaw**

A Bylaw of the Corporation of the Village of Belcarra (hereinafter called the "Village") to licence and regulate the carrying on of business within the Village and to fix and impose and provide for the collection of licence fees and the granting, issuing and transferring of licences.

**WHEREAS** under the provision of Part Eleven (XI) of the *Municipal Act* (hereinafter called "the Act"), Council may require an owner or operator of a business to hold a valid and subsisting licence for the carrying on of a business; fix and impose licence fees for licences; and provide for the collection of licence fees and the granting, issuing and transferring of licences.

**NOW THEREFORE** the Municipal Council of the Village of Belcarra in open meeting assembled, enacts as follows:

1. **INTERPRETATION:**

**Citation:** This Bylaw shall be cited as "The Village of Belcarra Business Licence Bylaw No. 227, 1995.

**Applicant:** means any person who makes application for a licence under the provisions of this bylaw;

**Business:** means carrying on a commercial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit, within the Village but does not include an activity carried on by the government, its agencies or government owned corporations;

**Accessory** means a business carried on in a residential dwelling or accessory building

**Home Business:** only by a resident of that dwelling, which business is accessory and subordinate to the residential use.  
(Amended as per Bylaw 317, 2000)

**Business:** the Village or with respect to which any work or service is performed within the Village;

**Village:** means the Municipality of the Village of Belcarra;

**Person:** means, where the context so requires, any individual, firm, partnership or association of individuals, or corporations, whether acting by themselves or by an agent, servant or employee. The singular shall mean and include the plural and the masculine shall mean and include the feminine or converse;

**Licence - Inspector:** means a person so appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw;

**Mobile Vendor:** means a person who, either on his own account or as an officer, servant, or agent of another, sell or offers for sale goods from a mobile vehicle or other mobile units

(Amended as per Bylaw 317, 2000)

**Medical - Health Officer:** means the Local Health Authority duly appointed by the Council for the municipality and includes any Acting or Assistant Medical Health Officer.

**Contractor** means a person who carries on the business of performing construction, alteration, repair work, or maintenance upon a building, structure, or other improvements for two (2) or more days within the municipal boundaries.

(Amended as per Bylaw 317, 2000)

## 2. **LICENCE REQUIRED**

- a) Subject to Section 498 of the *Municipal Act*, no person shall carry on within the Village, any business unless he/she is the holder of a valid and subsisting licence issued to him/her under this Bylaw by the Licence Inspector, and shall pay in advance therefore, to the Licence Inspector, the licence fee specified in Schedule "A" attached hereto and made part of this Bylaw and it shall be incumbent upon each person to renew such licence prior to the beginning of each licencing period as long as such business is being carried on.
- b) Every applicant applying for a licence to carry on a business shall;
  - i) make application to the Licence Inspector on the form shown as Schedule "B" attached hereto and forming part of this bylaw;

- ii) the application form will be completed and signed by the owner, or duly authorized agent and delivered to the Licence Inspector (or person designated by him), accompanied by the fee set out and provided by Schedule "A" hereto.
- iii) where applicable, a building/construction shall supply to the Licence Inspector a written list of the names, addresses and telephone numbers of his or her subtrades.

**(Amended as per Bylaw 317, 2000)**

- iv) where applicable the Licence Inspector may request a certified copy of:
  - (a) liability insurance coverage in the amount of two million dollars (\$2,000,000.00).  
**(Amended as per Bylaw 317, 2000)**
  - (b) Worker Compensation Board Firm Registration.  
**(Amended as per Bylaw 317, 2000)**
  - (c) Notwithstanding section 2b(i) but not inconsistent with the *Municipal Act* or this Bylaw, the Licence Inspector is hereby authorized to modify the forms prescribed, or any administrative procedures prescribed as deemed necessary.  
**(Amended as per Bylaw 317, 2000)**

3. **EXEMPTIONS**

The following non-resident businesses are not required to hold a licence under this bylaw (Section 499) of the *Municipal Act*.

- a) commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business;
- b) 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 delivery in the municipality, passengers or chattels picked up outside the municipality, or both, unless the municipality forms part of a trading area designated for carriers under Section 511;
- b) owners or operators of taxicabs who only discharge passengers in the municipality unless the municipality forms part of a trading area designated for taxicabs under Section 511;
- c) owners or operators of a retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged, such as water haulers;

- d) a wholesaler, manufacturer or processor who is only in the business of offering for sale or selling his own merchandise and delivering it in his own vehicle to merchants for resale by them in the ordinary course of their businesses; and
- e) a person practising a profession governed by a special Act unless he regularly and generally carries on business in the municipality;
- f) a service repairperson, offering his/her services to perform all types of service repairs and who does not operate from a licenced service repair shop within the Village.

Under the provisions of Section 512 of the Act, no licence is required:

- a) for a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable purpose;
- b) for the business of letting or renting rooms where not more than 2 rooms are available for letting or renting;
- c) for the purpose of a moving and/or garage sales; and
- d) making or producing a product or thing such as a handicraft for the purpose of selling such products at Craft Fairs.

Subject to the provisions of Section 408 of the Act, no licence is required for the business of a telephone, electric light, electric power, water, sewer, gas and closed-circuit television service situated within the Village.

#### 4. **DUTIES OF A LICENCE INSPECTOR**

Belcarra Council may, from time to time, appoint a person to be Licence Inspector, whose duty it shall be to carry out and enforce the provisions of this bylaw.

The Licence Inspector is hereby authorized to enter at reasonable times upon any property, vehicle, premise or other place in respect of which a licence has been granted pursuant to this bylaw.

All fees collected by the Licence Inspector under this bylaw shall be paid to the Village Treasurer who shall deal with the said fees in the manner provided by the Act.

The Licence Inspector shall make rules and regulations for the internal management of his department.

The Licence Inspector shall maintain and keep records of all licences issued. All such records shall be considered public records, and shall be open for inspection at reasonable times to any person having business with the Licence Inspector.

Where a Provincial Certificate of Qualification or other similar authority is required by person engaged in those trades designated from time to time by the Provincial Government, the Licence Inspector may require each applicant to prove such qualification or authority prior to issuance of a licence.

The Licence Inspector is hereby authorized to interpret the wording of an application where such wording is not concurrent with the interpretations and the classification stated herein.

## 5. **ISSUING LICENCES**

The Licence Inspector shall have the authority to grant, issue, transfer or suspend licences as hereinafter provided within the provisions of Sections 507 and 513 of the *Municipal Act*.

Before any licence is issued, the Licence Inspector shall be satisfied that the premises for which the licence is sought does not violate the provisions of any pertinent bylaws of the Village.

Before any licence is issued by the Licence Inspector, the premises for which the licence is sought must be approved by all appropriate authorities as stated in Section 4 (Schedule "B"). Letter of approvals or certificates of approval shall be submitted to the Licence Inspector upon request.

Every licence granted, in the form of Schedule C attached hereto and forming part of this bylaw, pursuant to this bylaw shall state that the owner is licensed to carry on the business stipulated therein in a lawful manner for the period specified.

Every licence shall be considered as a personal licence to the licensee therein named and shall not be transferable to any other person.

The Licence Inspector shall have the authority to classify each application for a business licence according to the categories listed herein. The applicant may appeal such classification to Council.

Where the Licence Inspector has refused to grant a licence under section 513 of the *Municipal Act*, the applicant may appeal the decision to the Council. Such appeal shall be made in writing and shall state, in a concise manner, the grounds upon which the appeal is made. The Council, as it may deem fit, may appoint a time and place for the hearing of the appeal and may confirm or set aside such denial.

## 6. **APPLICATIONS FOR LICENCE**

Every person applying for a licence shall complete the application forms supplied by the Licence Inspector (referred to in the bylaw as Schedule "B").

An applicant for the first time shall be signed by the owner of the business or his duly authorized agent.

Every applicant for a licence shall pay to the Village, at the time of application, the proper licence fee as set out in Schedule "A". No licence shall be issued until payment of such fee is made.

7. **LICENCES TO BE POSTED**

Every person granted a business licence under this bylaw shall cause such licence to be posted in a conspicuous place on the premises or on the article or on the vehicle or at the location in respect of which the licence was issued.

8. **CHANGES AFFECTING LICENCE**

Any licence granted pursuant to the provisions of this bylaw shall be deemed to be a personal licence to the licensee named therein, and in the event of change of owner of the business for which such licence was issued, the new operator of the business shall apply for a new licence pursuant to the terms of this bylaw.

No person to whom a licence has been granted under the provisions of this bylaw shall change the location of the premises in which he carried on the business without first having applied to the Licence Inspector in writing to have the licence altered in respect to the location of the premises set out therein, and any person carrying on business at premises other than the premises specified in the licence, shall be guilty of an infraction of this bylaw.

9. **TRANSFER OF LICENCE**

Any person desiring to transfer a business from the location for which the business licence was issued to different premises within the municipality, shall make application in writing to the

Licence Inspector, and the powers, conditions and requirements relating to the granting or refusal of licences and appeals herein shall apply. No fee shall be charged for this transfer of licence.

10. **PERIOD OF LICENCE**

Except as hereinafter provided, licences shall be issued for a twelve month period to commence on the first day of January and to terminate on the thirty-first day of December in and every year. No licence fee paid hereunder shall be refundable.

A pro-rated fee for businesses who have not conducted a business within the Village prior to July 31st of each year shall be granted at one half of the fee set out in Schedule "A" of this bylaw.

Every person to whom a licence has been granted under the provisions of this bylaw shall be deemed to be carrying on the business specified in the licence for the next licence period unless such person shall, on ceasing to do business or intending on ceasing to do business, notify the Licence Inspector in writing to that effect and stating in such notice the date on which he ceased to do business or intends to cease to do business.

11. **DIRECT SELLING AND/OR SOLICITING**

Except for representatives of recognized charitable organizations, no person in the Village shall call at any residence between the hours of 8:00 p.m. and 8:00 a.m. for the purpose of selling, soliciting, or taking orders for goods, materials, publications or services of any kind unless a previous appointment has been made for such call.

No person shall sell, or offer for sale, any book, magazine, or other periodical other than a newspaper, on any street in the Village.

12. **SUSPENSION OF BUSINESS LICENCE**

The Licence Inspector may suspend any licence as provided for under Section 513 of the *Municipal Act*.

13. **APPEALS**

Any person whose licence has been suspended may appeal to the Council and upon such appeal, the Council may confirm or may set aside such suspension on such terms as it may think fit.

The Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard, but such notice and opportunity to be heard is not required in respect of the licensee who by reasonable efforts cannot be found.

14. **OFFENCES**

Any person who carries on a business without holding a valid licence for the business is guilty of an offence and is punishable upon summary conviction therefore.

Notwithstanding anything herein and before contained, the amount of every licence fee payable by any person under the provisions of this bylaw shall be a debt due by such person to the Village of Belcarra, recoverable with costs in any court of competent jurisdiction.

Any false declaration or concealment of material facts with respect to application for a business licence shall be deemed an infraction of this bylaw and be liable to the penalties thereof.

Anyone failing to post and keep posted the issued business licence shall be guilty of an infraction of this bylaw and liable to the penalties thereof.

15. **BUSINESS LICENCE FEES**

The annual business licence fee payable from every person carrying on a business, shall pay the applicable fee as prescribed in Schedule "A" to this bylaw.

16. This bylaw shall take effect upon registration.

**READ** a first time this 24th day of May, 1995

**READ** a second time this 29th day of May, 1995

**READ** a third time as amended this 20th day of November, 1995

**ADOPTED** by the Municipal Council of Belcarra this 23rd day of November, 1995

**C E R T I F I E D   C O R R E C T**

Ralph Drew

\_\_\_\_\_  
**MAYOR**

Moira McGregor

\_\_\_\_\_  
**CLERK-TREASURER**



**VILLAGE OF BELCARRA**

**Business Licence Bylaw No. 227, 1995**

**SCHEDULE "A"**

**Repealed as per Bylaw 400, 2008**

Business Licence  
Bylaw No. 227, 1995

**SCHEDULE "B" (Amended as per Bylaw 317, 2000)**  
**APPLICATION FOR BUSINESS LICENCE**

Classification: \_\_\_\_\_

Licence No. \_\_\_\_\_

Fee: \_\_\_\_\_

NAME OF BUSINESS:

\_\_\_\_\_

NAME OF CORPORATION OR INDIVIDUAL WHICH OWNS THE BUSINESS:

\_\_\_\_\_

If Corporation owns business, Name of President:

\_\_\_\_\_

OWNER'S MAILING ADDRESS AND POSTAL CODE:

\_\_\_\_\_

BUSINESS LOCATION:

\_\_\_\_\_

BUSINESS TELEPHONE \_\_\_\_\_ OWNER'S TELEPHONE \_\_\_\_\_

\_\_\_\_\_

APPLICANT'S NAME: \_\_\_\_\_

Have you held a Business Licence Before?    yes / no            Date issued \_\_\_\_/\_\_\_\_/\_\_\_\_

Where? \_\_\_\_\_

Has your Business Licence ever been cancelled, refused or suspended?    yes / no

If so, why? \_\_\_\_\_

**Applicants for a Home Occupation Business, please complete the reverse side of form.**

Business Licence  
Bylaw No. 227, 1995

**SCHEDULE "B" (Amended as per Bylaw 317, 2000)**  
**HOME OCCUPATION - BUSINESS**

DESCRIPTION OF BUSINESS ACTIVITY: \_\_\_\_\_

If Accessory Home Based Business: \_\_\_\_\_

Square Footage of Office Space in House: \_\_\_\_\_ Total Square Footage of House \_\_\_\_\_

Total Number of Workers in Business: \_\_\_\_\_ (including owners working in business)

Number of On-Site Parking Spaces Allocated to your Business: \_\_\_\_\_

Owner of Building:: \_\_\_\_\_

Starting Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Certificate Type and No. \_\_\_\_\_

**APPROVALS REQUIRED BY BYLAW AND LICENCING DEPARTMENT**

**ZONING** \_\_\_\_ **BUILDING** \_\_\_\_ **FIRE** \_\_\_\_ **BYLAW** \_\_\_\_ **OTHER** \_\_\_\_

Trade Category \_\_\_\_\_ Application No. \_\_\_\_\_

Quantity \_\_\_\_\_

Fee \$ \_\_\_\_\_

Premises Approved by Building Inspector: \_\_\_\_\_

Date Approved: \_\_\_\_\_

Business Licence  
Bylaw No. 227, 1995

**SCHEDULE "C"**

<b>THE VILLAGE OF BELCARRA MUNICIPAL HALL 4084 Bedwell Bay Road Belcarra, BC V3H 4P8      Tel: 937-4100</b>	<b>Date</b> _____	<b>Receipt No.</b> _____	<b>Amount Paid</b> \$ _____
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THIS IS TO CERTIFY that the Licencee has paid the required Licence Fee and is entitled to carry on business as indicated within the Village of Belcarra, in a lawful manner and subject to the provisions of all bylaws in effect.

\_\_\_\_\_  
(Name of Licencee)

This Licence is personal and cannot be sold or transferred, except through the Licence Department, as the bylaws direct.

As Licencee is licensed to carry on the business of:  
\_\_\_\_\_

In the event the nature of the business is changed or the address from which the business is carried on is changed, the Licence Department must be notified.

For the licence period which expires on:  
\_\_\_\_\_

\_\_\_\_\_  
Licence Inspector

**THIS LICENCE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES**

Business Licence  
Bylaw No. 227, 1995

**SCHEDULE "D"**  
**TRANSFER OF LICENCE**

**IT IS AN OFFENCE TO MAKE A FALSE DECLARATION**

I/We \_\_\_\_\_  
hereby make application for a transfer of Licence No. \_\_\_\_\_ and declare that the above statement of  
facts is correct and that I am the owner or manager of the said \_\_\_\_\_ and if I am granted  
the transfer of this licence, I will comply with bylaws of the Village of Belcarra.

Signature \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

I hereby agree to transfer (subject to Village approval) my rights and interest in Licence No. \_\_\_\_\_  
issued to me for the business known as \_\_\_\_\_ to the above signed and I  
hereby surrender my licence for this business.

Signature \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

I/We hereby apply for a licence in accordance with the particulars stated above and declare that these statements  
are correct. I understand that if I am granted a licence, I must comply with the bylaws of the Village of Belcarra  
and the provisions of Part II of the Municipal Act.

Signature \_\_\_\_\_ Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Business Licence  
Bylaw No. 227, 1995

**SCHEDULE "E"**  
**INVOICE AND LICENCE RENEWAL FORM**  
**BUSINESS INFORMATION**

BUSINESS NAME \_\_\_\_\_

CURRENT BUSINESS LICENCE NO. \_\_\_\_\_

Sole Proprietorship \_\_\_\_\_ Partnership \_\_\_\_\_ Corporation \_\_\_\_\_

**BUSINESS LOCATION**

Units Occupied (List the individual units you Business Occupies)

House No. \_\_\_\_\_ Street \_\_\_\_\_ City \_\_\_\_\_

Province \_\_\_\_\_ Postal Code \_\_\_\_\_

Business Phone \_\_\_\_\_ Fax No. \_\_\_\_\_ Cellular \_\_\_\_\_

MAILING ADDRESS IF DIFFERENT FROM ABOVE (List unit # for mail if more than one is occupied)

Address \_\_\_\_\_

City \_\_\_\_\_ Province \_\_\_\_\_ Postal Code \_\_\_\_\_

**OWNERSHIP INFORMATION**

OWNER'S NAME \_\_\_\_\_

OWNER'S ADDRESS \_\_\_\_\_

HOUSE NO. \_\_\_\_\_ STREET \_\_\_\_\_ CITY \_\_\_\_\_

PROVINCE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ HOME PHONE \_\_\_\_\_

**RENEWAL**

Licensed No. \_\_\_\_\_ Renewed for the calendar year \_\_\_\_\_

Licence Inspector \_\_\_\_\_ Date \_\_\_\_\_