



VILLAGE OF BELCARRA
Consolidated Business Licence
Bylaw No. 227, 1995



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- Amendment Bylaw No. 317, 2000 effective date November 6, 2000
- Fees and Charges Amendment Bylaw No. 400, 2008 effective date February 11, 2008
- Regulatory Bylaw Enforcement and Penalty Amending Bylaw No. 519, 2018 effective date May 22, 2018
- Amendment Bylaw No. 582, 2021 effective date May 10, 2021.

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;
- c) 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;
- d) 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;
- e) 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
- f) a person practicing a profession governed by a special Act unless he regularly and generally carries on business in the municipality;
- g) 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

14.1 The Enforcement Officer may issue a Bylaw Notice to any person who has contravened this bylaw. Notwithstanding, nothing shall limit or remove the right of the Village to prosecute any offence by way of an information being laid and a summons issued in accordance with the procedures set out in the Offence Act.

(Bylaw Amendment No. 519, 2018)

14.2 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not

exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues or exists.

(Bylaw Amendment No. 519, 2018)

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

(Bylaw Amendment No. 519, 2018)

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

(Bylaw Amendment No. 519, 2018)

14.5 Notwithstanding Section 14.2, anyone operating a Short Term Rental Accommodation (STRA) or Bed & Breakfast (B&B) without a valid Business License may be subject to a fine of up to \$1,000.00 per day, per offence, at the discretion of the Village of Belcarra Chief Administrative Officer.

(Bylaw Amendment No. 582, 2021)

15. **BUSINESS LICENCE FEES**

The issuance of a business license shall require the payment of all fees and deposits as prescribed in the Village of Belcarra Fees and Charges Bylaw No. 517, 2018, as may be amended from time to time.

(Bylaw Amendment No. 582, 2021)

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