

***TOWN OF FORT NELSON***  
***THE BUSINESS LICENSE BYLAW NO. 612, 2002***

***August 2002***

A bylaw of the Town of Fort Nelson (hereinafter called "the Town") to provide for the licensing of businesses.

WHEREAS the Council of the Town deems it necessary and expedient to provide for the issuance of business licenses as per Part 20 of the Local Government Act and any amendments;

NOW THEREFORE the Council of the Town of Fort Nelson in open meeting assembled hereby enacts as follows:

1. CITATION

- (1) This bylaw may be cited as "The Business License Bylaw No. 612, 2002".

2. REPEALS

- (1) The following bylaw is hereby repealed in its entirety:
  - (a) The Business License Bylaw No. 547, 1998.

3. APPLICATION

- (1) This bylaw shall apply to the geographic area of the Town of Fort Nelson.

4. DEFINITIONS

In this bylaw:

- (1) "Applicant" means a person who makes an application for a license under the provisions of this bylaw;
- (2) "Business" means carrying on a commercial or industrial undertaking of any kind, or providing professional, personal or other services for the purpose of gain or profit, but does NOT include: an activity carried on by the Provincial government, its agencies or corporations owned by the Provincial government; a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to a charitable or non-profit purpose; a performance, concert, exhibition, entertainment or concession that is held in a licensed theatre or other licensed place; and despite any provision of this bylaw, no business license is required for the business of renting two or fewer rooms or two or fewer suites in a dwelling unit if the dwelling unit is occupied by the owner of the dwelling unit, the dwelling unit remains as a single legal title, and the interval at which rent is payable on the suite or rooms is one month or longer;
- (3) "Business License Inspector" means the person appointed to that position by resolution of the Council of the Town of Fort Nelson from time to time, or his designate;
- (4) "Contracting" means a business which provides the services of building construction, road building, paving, excavating or any of the building trades or sub trades, including blasting and fabricating or services to the petroleum industry;

- (5) "Council" means the elected Council of the Town of Fort Nelson;
- (6) "Direct Seller" means a person who invites or makes appeals, or requests or importunes by personal contact, upon the premises of any resident in the Town without specific invitation, business, patronage or support of the said resident;
- (7) "Food Preparation Business" means upon receipt of an application for a food preparation business (any premises where primarily food is prepared and served to the public and includes a restaurant, dining room cabaret, lunch counter tea room or coffee shop), the Business Licence Inspector shall request from the applicant a copy of a health report from the Environmental Health Officer having jurisdiction in the Town in respect of the premises where food preparation business is to be operated. No business licence shall be granted by the Business Licence Inspector to a food preparation business until he has received a report from the Environmental Health Officer approving of the premises for the operation of the food preparation business.
- (8) "Non-Resident Business" means a business, other than a resident business, carried on in the Town or with respect to which any work or service is performed in the Town, but does NOT include: commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses; carriers other than taxicabs who do either or both of picking up passengers or chattels in the Town for discharging or delivery outside the Town and discharging or delivering in the Town passengers or chattels picked up outside the Town; taxicabs who only discharge passengers in the Town; retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged; wholesalers, manufacturers or processors who only offer for sale or sell their own merchandise and deliver it in their own vehicles to merchants for resale; or, persons practising a profession governed by a special Act, unless they regularly and generally carry on business in the Town;
- (9) "Peace Officer" includes all members of the Royal Canadian Mounted Police and any person designated as a Bylaw Enforcement Officer by the Council of the Town;
- (10) "Pedlar" means a person who goes from place to place or house to house selling or offering for sale and sells or offers for sale or vends, on any street, lane or public place in the Town, goods, wares, merchandise or service, but does NOT include: a person required to take out and procure a license with respect to the manufacture or sale of any milk, bread or bakery products or any employee of such person who goes from place to place or house to house selling or offering for sale any milk, bread, or bakery products, or to any newspaper or any employee or agent thereof;
- (11) "Resident Business" means a business carried on in or from premises in the Town;
- (12) "Town" means the Town of Fort Nelson.

## 5. APPLICATIONS AND BUSINESS LICENSE FEES

- (1) No person shall carry on a business within the Town unless the person first pays the business license fee prescribed for such business in "Schedule A" and is the holder of a valid and subsisting business license issued by the Town.

- (2) Every person making application for a business license for the first time shall pay the prescribed fee for the business license at the time of application.
- (3) Every person who holds a valid license shall renew such license before the beginning of each license period as long as the person is carrying on a business in the Town.

#### 6. TERM OF BUSINESS LICENSE

- (1) Except as otherwise provided in this bylaw, a business license shall be granted for a one (1) year period, to commence on the 1st day of January and terminate on the 31st day of December in each and every year.
- (2) No proportionate reduction of a license fee shall be made on account of a person starting or ceasing to do business at a particular time, except that an applicant who becomes liable to be licensed after the 31st day of July in each year shall pay only Fifty Percent (50%) of the prescribed license fee.
- (3) The period for a business license 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 one year, six (6) months, three (3) months, or one (1) day.
- (4) The period for a business license for a circus, horse show, pony show, dog show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be for one (1) day.
- (5) Business licenses will be issued for a current year until the 30th day of November of that year, after which the license for the succeeding year will be issued. Business license fee is the fee listed for the relevant category of business and the relevant business license year.

#### 7. CHANGES AFFECTING LICENSES

- (1) Every person granted a business license under this bylaw shall notify the Town of any changes in the mailing and/or business address or any other change affecting the license.
- (2) The fee for transfer of any license granted hereunder shall be as set out in "Schedule A."

#### 8. POSTING OF LICENSE

- (1) Every form of business license granted or issued shall be posted in a conspicuous place on the premises. Where the holder of a license does not occupy premises within the Town, the license shall be kept on the person of the holder.

#### 9. INSPECTION

- (1) The Business License Inspector or any Peace Officer is hereby authorized to enter at all reasonable times, any house, location, premises, vehicle or other place in which a business is apparently being conducted or in respect of which a business license has been issued pursuant to this bylaw to ascertain whether the regulations and provisions of this bylaw are being obeyed, and it is an offence to obstruct the Bylaw Enforcement Officer or any Peace Officer from acting in accordance with this Section.

## 10. GRANTING, SUSPENSION AND REVOCATION OF LICENSES

- (1) The Business License Inspector is delegated the power to grant a business license if s/he is satisfied that the applicant has complied with the bylaws of the Town regulating building, zoning, health, sanitation and business, and is delegated the power to suspend a business license for a period the Business License Inspector decides.
- (2) A person who has applied for but failed to be granted a business license under sub-section 10(1) may appeal to the Council, and the Council may, on the affirmative vote of at least 2/3's of its members, refuse in any particular case to grant the request of an applicant for a license, but the granting or renewal of a license must not be unreasonably refused.
- (3) The Business License Inspector may suspend a business license if any of the following circumstances apply to the holder of the license:
  - (a) the holder is convicted of an offence indictable in Canada;
  - (b) the holder is convicted of an offence under an Act or a Town bylaw in respect of the business for which the holder is licensed or with respect to the premises named in the license;
  - (c) the holder has, in the opinion of the Business License Inspector, been guilty of such gross misconduct in respect of the business for which the holder is licensed or with respect to the premises named in the license, that it warrants the suspension of the license;
  - (d) the holder has ceased to meet the lawful requirements to carry on the business for which the holder is licensed or with respect to the premises named in the license;
  - (e) in the opinion of the Business License Inspector, the holder has conducted the holders' business or performed a service in a manner that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen (16) years, or, has sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of sixteen (16) years any thing that may be harmful or dangerous to the health or safety of that person actually or apparently under the age of sixteen (16) years.
- (4) The Business License Inspector shall make suspension of a business license by notice in writing served on the holder or delivered to the holder by registered mail to the address given on the form of application.
- (5) No person shall carry on a business for which a license is required by this bylaw during the period of suspension of such license.
- (6) A person whose business license has been suspended under sub-section 10(3) may appeal to the Council, which may confirm or set aside the suspension on the terms it thinks fit.
- (7) The Council may revoke a business license for reasonable cause after giving notice in writing and served on the holder or delivered to the holder by registered mail to the address given on the form of application and after giving the license holder an opportunity to be heard. The notice and opportunity to be heard is not required for a license holder who cannot be found by reasonable efforts.

11. SEVERABILITY

- (1) If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the bylaw.

12. PENALTY PROVISIONS

- (1) Any person who contravenes any of the provisions of this bylaw shall be liable to a fine of not more than Two Thousand Dollars (\$2,000.00) for each offence, and every day during which there is a contravention of the bylaw shall constitute a separate offence.

13. EFFECTIVE DATE

- (1) This bylaw shall take effect upon its adoption.

14. SCHEDULE

- (1) "Schedule A" attached to and forming part of this bylaw sets out and imposes fees for business licenses.

15. DESIGNATED BYLAW ENFORCEMENT OFFICERS

- (1) Designated bylaw enforcement officers for Bylaw No. 612, 2002 are: Business Licence Inspector, Bylaw Enforcement Officer, and Royal Canadian Mounted Police Officer.

READ a first time this 11<sup>th</sup> day of February, 2002.

READ a second time this 11<sup>th</sup> day of February, 2002.

READ a third time this 11<sup>th</sup> day of February, 2002.

ADOPTED as amended this 21<sup>st</sup> day of August, 2002.

CERTIFIED a true and correct copy of "The Business License Bylaw No. 612, 2002" as adopted by the Council of the Town....Debbie Walker, Town Clerk

THE CORPORATE SEAL of the Town of Fort Nelson was hereto affixed in the presence of....Harry Clarke, Mayor & Debbie Walker, Town Clerk  
Town Clerk

Schedule "A"

BUSINESS LICENSE FEES

Except as otherwise provided in this bylaw, the following business license fees are for a one (1) year period, from January 1 to December 31 in each year and are for each principal or main business. Business License Fees are noted for both 2002 and 2003; commencing 2003 until Bylaw 612, 2002 is revised, business license fees for 2003 and subsequent years will be at the fee indicated in the 2003 column, with the "2002 fee column" and the date "2003" being removed.

Section 1: Contractors				
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			Fee:	2002	2003
a.	Prime Contractor	from any person carrying on or engaging in the business of a prime contractor who, in the course of the performance of his/her work engages in more than two of the contracting businesses detailed in subsection (b) of this section, or utilizes the services of more than 2 sub-contractors in the performance of his work		\$125	\$150
b.	Other Contractor	from any person carrying on or engaging in any of the following contracting businesses:		2002 \$50	2003 \$50
	Acoustic/Ceramic	Gas Fitting			
	Blasting	Glass Installation			
	Brick Laying	Handyman			
	Builder	Heating			
	Cement	Insulation			
	Decorating	Land Clearing			
	Drilling	Masonry			
	Drywaller	Millwork			
	Electrical	Moving			
	Excavation	Oilfield			
	Fabricating	Painting			
	Flooring	Paving			
	Framing	Pipeline			
		Plastering			
		Plumbing			
		Refrigeration			
		Road Building			
		Roofing			
		Sanitary			
		Sheet Metal			
		Sign Shop			
		Soil, Sand, Gravel			
		Steaming			
		Steel Erection			
		Vacuum Services			
		Wrecking			

Section 2 General Offering Services				
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a.	General Offering Services	from any person carrying on, conducting or engaging in any general offering service.		2002 \$30	2003 \$40
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Section 3 Retail Businesses				
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a.	Retail Business	from every person carrying on business in any retail business.		2002 \$40	2003 \$40
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Section 4:  
Professional

a.	Professional	from each person carrying on, conducting or engaging in any professional business.	2002 \$75	2003 \$100
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Section 5:  
Manufacturing and Industrial

a.	Manufacturing and Industrial	from any person carrying on and manufacturing or industrial business.	2002 \$100	2003 \$100
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Section 6:  
Rentals and Accommodation

a.	Hotel/Motel	from any person carrying on the business of a hotel of motel	2002 \$40 and \$2 per room	2003 \$40 and \$2 per room
b.	Apartments	from any person carrying on the business of renting 3 or more self-contained apartment units	2002 \$40 and \$2 per room	2003 \$40 and \$2 per room
c.	Rooming House or Bed and Breakfast	from any person carrying on the business of letting 3 or more rooms, with or without board	2002 \$40	2003 \$40
d.	Trailer Park or Mobile Home Court	from any person carrying on the business of renting 3 or more permanent spaces for trailers or mobile homes	2002 \$40 and \$1 per stall	2003 \$40 and \$1 per stall
e.	Campground	from any person carrying on the business of renting permanent campground spaces to transient travellers or vacationers	2002 \$40 and \$1 per stall	2003 \$40 and \$1 per stall

Section 7:  
Entertainment

a.	Pool Rooms & Billiard Halls	from any person operating or owning premises where billiard or pool tables are used for hire or profit	2002 \$15 per table	2003 \$15 per table
b.	Bowling Lanes	from any person carrying on the business of operating and renting bowling alleys or lanes for profit or hire	2002 \$15 per lane	2003 \$15 per lane

Section 7:  
 Entertainment (Cont'd)

c.	Indoor Courts, and Batting Cages	from any person carrying on the business of operating or owning premises where indoor squash, racquet ball courts and batting cages are used for profit or hire	2002 \$25 per court/cage	2003 \$25 per court/cage
d.	Amusement and Theatre Halls	from the proprietor, lessee or manager of any theatre, concert hall or other place of entertainment, amusement or exhibition including magician shows:		
		Per year:	2002 \$80	2003 \$100
		Per 6 Months:	\$40	\$ 50
		Per 3 Months:	\$30	\$40
		Per Day:	\$20	\$30
e.	Circus, Carnival Show or Exhibition	from any person carrying on the business or operating a circus, carnival, show, or exhibition	2002 \$100 Daily	2003 \$100 Daily
f.	Horse Racing	from every person conducting or organizing horse races	2002 \$25 Daily	2003 \$40 Daily
g.	Trade Show	from every organization conducting a trade show selling goods & services:		
		with up to 20 participants	2002 \$75 Daily	2003 \$75 Daily
		with up to 30 participants	\$150 Daily	\$150 Daily
		30 participants and over	\$250 Daily	\$250 Daily

Section 8:  
 Financial

a.	Banks	from any bank or person carrying on the business of banking	2002 \$125	2003 \$150
b.	Other Financial Business	from any person carrying on any one of the following businesses:		
		Collection Agency, Finance Company Investment Company, Loan Company Mortgage Company, Stockbroker	2002 \$175	2003 \$200
c.	Automated Teller Machines	from any person carrying on the business of automated teller machines except at a banking location	2002 \$25 Per Machine	2003 \$25 Per Machine

Section 9: Licensed Premises			
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		2002	2003
a.	Licensed Premises from every person carrying on the business of a dining-lounge, dinning-room, lounge, public house, or a combination of any of them and who is the possessor of a license issued pursuant to the Liquor Control and Licensing Act	\$100	\$125

Section 10: Miscellaneous			
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		2002	2003
a.	Mobile Home & Trailer Sales from every person carrying on the business of mobile home and/or trailer sales	\$125	\$125
**b.	Vending and Arcade Machines from every person carrying on the business of vending or arcade machines	\$5 per machine	\$5 per machine

\*\* (A license is not required under this classification if the owner is otherwise licensed in the Town)

c.	Direct Sales from every person who carries on the business of owning, operating or undertaking Direct Sales:	2002 \$150	2003 \$150
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|---------------------|-----------------------------------|--|
| Door to Door Sales  | Other Mobile Vendors              |  |
| Hawker              | Produce Vendor(not locally grown) |  |
| Huckster            | Pedlar                            |  |
| Mobile Photographer |                                   |  |
| Seafood Vendor      |                                   |  |

d.	Transfer of License Location where any license or licenses is or are transferred from one location to another	2002 \$25	2003 \$25
e.	Transfer of License Owner where a sale of a business occurs, the business may transfer its license to the new owner	2002 \$10	2003 \$10

Section 11: Maximum Cost of License			
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- a. A business operating under more than one classification, shall be required to pay only the highest applicable fee.

Schedule "C"

THE MUNICIPAL TICKET INFORMATION  
BYLAW NO. 610, 2002  
(In Reference to Business License Bylaw No. 612, 2002)

Designated Bylaw Enforcement Officers for Bylaw No. 612, 2002  
Bylaw Enforcement Officer  
Business Licence Inspector  
Royal Canadian Mounted Police Officer

Offence Bylaw No. 610, 2002 Section/Fine

<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Conducting Business Without a License	5(1)	\$100
Failure to Post Business License/Keep Business License on Person	8(1)	\$50
Obstruction of Business License Inspector Entering Property	9(1)	\$200
Conducting Business while License Suspended	10(5)	\$100