

# VILLAGE OF NAKUSP

## BYLAW NO. 692, 2020

### A Bylaw to authorize the issuance of business licenses within the Village of Nakusp

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WHEREAS the Council is authorized, pursuant to Division (9) of the *Community Charter*, to issue licenses within the boundaries of the Village of Nakusp;

THEREFORE, BE IT RESOLVED that the Council of the Village of Nakusp, in open meeting assembled, enacts as follows:

#### TITLE

1. This Bylaw may be cited for all purposes as the Village of Nakusp 'Business License Bylaw No. 442, 1994'.

#### INTERPRETATION

- 2 In this Bylaw, unless the context otherwise requires:

'Act' means the Community Charter

'Agent' means a person within the Municipality who, on behalf of any non-resident manufacturer, dealer, merchant or other person sells or offers for sale, by sample or description or otherwise, for or on account, directly to the consumer, any goods, wares or merchandise; or a person who carries on a business in a commercial or residential zone; or a real estate, insurance or travel agent; or an employee of an agent.

'Apartment Building' means a building or premises not being a motel, hotel or rooming house and which is divided into six (6) or more self-contained rental units.

'Applicant' means a person who makes an application for a license under the provisions of the Bylaw.

'Auctioneer' means a person who conducts a public sale of any real or personal property to the highest bidder.

'Automotive' means anything moved by a self-contained **motor** or engine or anything that has to do with automobiles.

'Business' means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit but does not include any activity carried on by the government, its agencies or government owned corporations.

'Cannabis Accessories' means things, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis.

'Cannabis' has the same meaning as in the *Cannabis Act* (Canada), as amended or replaced from time to time.

'Cannabis Retail Sales Facility' means a facility that complies with Government of Canada regulations and is licensed to sell non-medical cannabis and cannabis accessories.

'Construction' includes:

- a. the erection of, the addition to, or the alteration or demolition of any building.
- b. the erection or construction of towers, dams, or similar structures.
- c. the laying or construction of a pipe line or a system of pipe lines.
- d. the construction of roadways, airport runways, or railways, and
- e. the construction of tunnels.

'Contractor' means a person who undertakes to do or perform at a certain price or rate or for a fixed sum any construction, building, carpentry, plastering, lathing, shingling or concrete work, or any other work or service except a work or service which is specifically defined and for which a license fee is specifically imposed elsewhere in this bylaw.

'Council' means the elected Council of the Village of Nakusp.

'General Contractor' means a person who employs or otherwise utilizes more than two of the distinct classes of sub-contractors listed in Schedule 'A' at any one time.

'Home Occupation' means an occupation or professional practice carried on for remuneration, or financial gain, and which is clearly an accessory use of a dwelling unit.

"Hostel" means a Home Occupation carried on in a single-family dwelling owned and occupied by the operator in a residential or agricultural zone, OR a building allowed in a commercial zone, which provides affordable lodging to travelers. It can include up to 5 private rooms and up to 2 dormitories with shared kitchen, living and bathroom facilities; but is not structured as a hotel or motel.

'Hotel/Motel' means a building or group of buildings in which there are more than two (2) sleeping or dwelling units wherein accommodation with or without private cooking facilities is provided for transient lodgers, or transient motorists.

'License' means a business license issued under this bylaw.

'Licensee' means one who holds a business license issued under this bylaw.

'License Inspector' means the person or persons appointed as License Inspector from time to time by the Council to administer this bylaw.

'Manufacturer' means an assembler, manufacturer, producer or finisher of goods, substances or things or any part thereof.

'Municipality' means the Village of Nakusp.

'Premises' means a store, office, warehouse, factory building, house, enclosure, yard or other place occupied or capable of being occupied by one or more persons for the purpose of any business, trade or occupation, or any area situated within any of the foregoing, where more than one separate or distinct class or classification of business is being carried on.

'Profession' means an occupation which involves a liberal, scientific or artistic education, and mental rather than manual labor, and for which a license to practice is required by statute and includes accredited public chartered, certified general and registered industrial accountants, aerologists, architects, barristers and solicitors, chiropractors, dentists, dental mechanics, ecologists, engineers, financial consultants, foresters, naturopathic physicians, notaries, optometrists, osteopaths, pharmacists, physicians and surgeons, psychiatrists, chartered and registered physiotherapists, podiatrists, psychologists, surveyors, radiologists, and veterinarians.

'Retail Sales' means providing the sale of goods to the public and includes rental of equipment, bulk fuel sales, and minor servicing of sale goods.

'Sub-Contractor' means a person performing or engaged as a contractor directly or by a general contractor whether such work is undertaken on an hourly, daily, weekly or monthly basis, a labor basis, or other basis, but does not include a general contractor.

'Wholesale' means the business of selling merchandise to be retailed by others, and minor retail sale of goods to the public.

## **BUSINESS LICENSE OFFENSES**

2. (1) No person shall:
  - a. carry on any business within the Municipality unless he is the holder of a valid and subsisting license, or
  - b. once licensed to carry on a business from a specific location in the Municipality, carry on a similar or different business from other locations in the Municipality, unless he is the holder of a valid and subsisting license for those additional locations, or
  - c. carry on more than one business in or from any one premise unless he is the holder of a valid and subsisting license for each of those businesses, unless otherwise specified in this bylaw, or
  - d. when making application for a license under the provisions of this bylaw, provide false information respecting the nature and address of the business, the number of persons engaged or occupied in the business, or any other information which the License Inspector may require to classify the business or to calculate the license fee.
- (2) Subsection (1) shall not apply to any business that is exempted from the requirements of this Bylaw by a Federal or Provincial Act or Regulation.
- (3) A license is not required for a performance, concert, exhibition or entertainment the entire proceeds of which, above actual expenses, are devoted to charitable purposes.

## **GENERAL REQUIREMENTS**

3. (1) Applications for a license shall be made in writing to the License Inspector.
- (2) Every person applying for a license shall complete the forms supplied by the Municipality through the License Inspector.
- (3) A licensee shall apply for renewal of his license, prior to the beginning of each licensing period prescribed in Section 7, if he continues the business.

## **CANNABIS RETAIL SALES FACILITY**

- 4.1 (1) A Cannabis Retail Sales Facility can only be located on a property that has been approved by Council under the requirements of the Village of Nakusp Zoning Bylaw No. 614.
- (2) Only one Cannabis Retail Sales Facility at a time will be permitted within the Village limits.
- (3) Must be licensed by the British Columbia Liquor Control and Distribution Branch.
- (4) Hours of operation are limited to 10:30 am to 6:00 pm Monday to Saturday only.”

## **LICENSE FEES**

4. (1) Where the license fee is calculated according to:
  - a. the number of people regularly engaged, or
  - b. the number of vending or other dispensing machines or other machines used, or
  - c. the number of rental units maintained in the business, the licensee shall notify the License Inspector of any change regarding those matters, and, as a result of the change, shall pay any additional fees required by this Bylaw.
- (2) Where a business, on the same property, comprises more than one classification that offers services that complement each other, the prescribed fee under Multiple Uses on One Property in the Fees and Charges Bylaw will be applied.
- (3) No license shall be issued to an applicant for a business until the fee prescribed for that business or class of business in the Fees and Charges Bylaw has been paid to the Municipality.
- (4) A license is not valid and subsisting until it has been issued by the License Inspector and the license fee prescribed in the Fees and Charges Bylaw has been paid.
- (5) If a person is operating a business prior to the 31st day of July in any year and fails to apply for a license until after the 31st day of July in that year, he shall be liable for the full fee prescribed for that business in as prescribed in the Fees and Charges Bylaw.
- (6) If a person commences a business after January 1st of any year and before July 31st of the same year, the license fee prescribed for that business in the Fees and Charges Bylaw shall pay the full license amount as prescribed in the Fees and Charges Bylaw.
- (7) Where a person commences a business after July 31st of any year, the license fee prescribed in the Fees and Charges Bylaw shall be reduced by 50%.

## **ISSUANCE OF A LICENSE**

5. (1) A license shall state
  - a. the name of the licensee,
  - b. the name of the business,
  - c. the classification of the business,
  - d. the location of the business premises,
  - e. the period of the license, and
  - f. that the licensee is licensed to carry on the business in a lawful manner.
- (2) The licensee or person in charge of the premises where the business is carried on shall display the license, at all times, in the sales or another area designated by the License

Inspector.

- (3) Licenses shall be granted for a one-year period, to commence on the 1<sup>st</sup> day of January and terminate on the 31<sup>st</sup> day of December in the same year.
- (4) The license for a circus or carnival shall be for one day.

#### **LICENSE CHANGES / TRANSFERS**

6. (1) A license granted under this bylaw shall be deemed a personal license to the licensee and shall not be transferable to any other person.
- (2) A person shall not carry on or continue a business which he has purchased, without first obtaining a license pursuant to this bylaw.
- (3) A person shall not change the location of the business for which the license has been issued, and then carry on that business without first having obtained a transfer of his license from the License Inspector.
- (4) The License Inspector shall charge a fee of \$10 for each license transfer.
- (5) A license transfer may be refused by the License Inspector where the premises to which the applicant wishes to transfer the license do not comply with the requirements of the of the Municipality bylaws regulating building, zoning, health, sanitation or business.
- (6) A licensee shall notify the License Inspector when the license is no longer required.

#### **LICENSE INSPECTOR**

7. (1) The Council by resolution, from time to time, may appoint a License Inspector, and one or more persons to assist the License Inspector to administer the provisions of this bylaw.
- (2) The License Inspector may enter at all reasonable times on any property subject to this bylaw to ascertain whether this bylaw is being observed.
- (3) An owner or occupier of real property in the Municipality shall give to the License Inspector the information and access to that property required to enable necessary inspections and investigations to be made.
- (4) When the License Inspector is satisfied that the applicant has complied with the requirements of the bylaws of the Municipality regulating building, zoning, health, sanitation and business he may grant, issue or transfer a license subject to any other

requirements of this bylaw.

## **LICENSE SUSPENSIONS**

8. (1) The License Inspector is hereby authorized to suspend a license for the period he decides if the holder of the license:
- a. is convicted of an offense indictable in Canada, or
  - b. is convicted of an offense under any municipal bylaw or Statute of the Province in respect of a business for which he is licensed or with respect to the premises named in his license, or
  - c. has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or with respect to the premises named in his license that it warrants the suspension of his license, or
  - d. has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his license, or
  - e. has, in the opinion of the License Inspector, conducted his business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.
- (2) The suspension of a license by the License Inspector shall be made in writing, signed by the License Inspector and served on the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form for the license.
- (3) A notice of suspension may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the license is reinstated, or the suspended licensee ceases to occupy the premises, or a new license is issued for the premises.
- (4) No person shall carry on a business while a license required by this bylaw is under suspension.

## **APPEALS FROM LICENSE SUSPENSIONS**

9. (1) Division 9, Clause 60 of the Local Government Act gives a right of appeal to the Council to a person whose license has been suspended by the License Inspector.
- (2) A person who appeals to the Council from a suspension by the License Inspector shall, within ten (10) days from the date of suspension, give to the Municipal Clerk notice in writing of his intention to appeal.

- (3) The notice of intention to Appeal shall state concisely the grounds upon which the Appeal is based.
- (4) The Municipal Clerk shall refer the matter to Council in order to appoint a time and place for a hearing and then give to the appellant reasonable notice of the time and place.

#### **REVOCAION OF A BUSINESS LICENSE**

10. (1) The Council may revoke a license for reasonable cause after giving notice to the Licensee and after giving the Licensee an opportunity to be heard.
- (2) The notice and opportunity to be heard referred to in Subsection (1) is not required for a Licensee who by reasonable efforts cannot be found.
- (3) A notice of revocation of a license may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the former licensee ceased to occupy the premises, or a new license is issued for the premises.

#### **APPEALS FROM REFUSAL OF A LICENSE**

11. (1) A person who has applied for but been denied a license by the License Inspector may appeal to Council.

#### **PENALTY**

12. (1) Except as otherwise provided in this bylaw, a person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty of obligation imposed by this bylaw commits an offense and is liable on summary conviction to a fine as permitted under the Offense Act.
- (2) Each day that the offense in continued will be considered to be a separate offense under this Bylaw.

#### **FEE SCHEDULES**

13. The prescribed fees are included in the Fees and Charges Bylaw and are enforceable to this bylaw.



**GENERAL PROVISIONS**

- 14.** Business License Bylaw No. 442 and all amending bylaws, being Bylaw Nos. 442-1, 442-2, 442-3, 442-4, 442-5, are hereby repealed.

READ A FIRST AND SECOND TIME THIS 13<sup>th</sup> DAY OF JANUARY, 2020

READ A THIRD TIME THIS 13<sup>th</sup> DAY OF JANUARY, 2020

ADOPTED THIS 10th DAY OF February, 2020.

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MAYOR

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CLERK