



## VILLAGE OF SAYWARD

### BYLAW NO. 452

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#### A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESSES WITHIN THE VILLAGE OF SAYWARD

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**WHEREAS** the Council for the Village of Sayward deems it necessary and expedient to provide for the regulation and licensing of businesses.

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

#### 1. REPEAL

That “**Business Licence Bylaw No. 444, 2019**” is hereby repealed in its entirety.

#### 2. CITATION

This bylaw may be cited as “**Business Licence Bylaw No. 452, 2019**”.

#### 3. DEFINITIONS

**APPLICANT** means any person who makes application for a Business Licence under the provisions of this bylaw.

**BUILDING INSPECTOR** means the building inspector for the Village.

**BUSINESS** means the carrying on of a commercial or industrial undertaking of any kind or nature or providing a professional, personal or other service for the purpose of gain or profit.

**BYLAW** means this bylaw.

**COMMERCIAL BUSINESS** means a Business that is permitted in the zones designated in the Zoning Bylaw.

**COUNCIL** means the Council of the Village of Sayward.

**EMPLOYEE** means a full-time employee, permanent part-time or full time equivalent.

**HOME OCCUPATION** means any Business permitted in residential areas designated in the Zoning Bylaw which is clearly incidental to the use of the dwelling unit for residential purposes.

**HOME OCCUPATION - ARTISAN** means any Business permitted in residential areas designated in the Zoning Bylaw which is clearly incidental to the use of the dwelling unit for residential purposes and includes arts, crafts and home baking, where that property clearly has an identifiable Sayward mailing address.

**INDUSTRIAL BUSINESS** means a Business that is permitted in the zones designated in the Zoning Bylaw.

**LICENCE INSPECTOR** means the the Person appointed from time to time as the Village Inspector.

**MOBILE VENDER** means a business utilizing a motor vehicle or manually powered cart for the purpose of vending food and non-alcoholic beverages.

**MISCELLANEOUS BUSINESS** means any Business not based in the Village of Sayward and includes a Non-Resident Business.

**NON-RESIDENT BUSINESS** means a Business, other than a Resident Business, carried on in the Village or with respect to which any work or service is performed in the Village;

**PERSON** means an individual and shall include a firm or partnership, association, company, society, body corporate, and the singular shall mean and include the plural, masculine, feminine and converse.

**RENTAL UNITS/SPACES** means any building containing dwelling units or other types of rental units that is permitted in the zones designated in the zoning bylaw.

**RESIDENT BUSINESS** means a Business carried on, in or from premises within the Village.

**RESIDENTIAL BUSINESS** means the carrying on of a Business within the primary dwelling unit in a residential zone.

**VILLAGE** means the Village of Sayward.

#### 4. LICENSING

(a) Council shall:

- (i) require an owner or operator of a Business to hold a valid and subsisting licence for carrying on a Business;
- (ii) fix and impose licence fees for licences; and
- (iii) provide for the collection of licence fees and the granting and issuing of licences.

(b) Council may establish areas within the Village of Sayward in which licensed Mobile Venders may operate and may make such regulations for mobile vending as it deems appropriate and necessary.

#### 5. COMPLIANCE WITH BYLAWS AND ENACTMENTS

Where any Federal or Provincial Act or Regulation or any other Village bylaw applies to any matter covered by this Bylaw, the issuance of a Business Licence under the provisions of this Bylaw shall not relieve the licensee from complying with the provisions of such enactments. The Licence Inspector may refuse to grant a licence for a Business where the premises upon which the Applicant wishes to conduct the Business does not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and this Bylaw.

#### 6. APPLICATION

Every Person applying for a Business Licence shall complete a Business Licence Application, which is attached to this bylaw as Schedule "A". The completion and submission of an application is not a Business Licence and does not grant any right to carry on the intended Business. The application will be reviewed by the Licence Inspector for completeness and

conformity of the proposed Business with Village bylaws.

When the use of the Business location changes, prior to issuing a Business Licence, the Building Inspector must be notified of the change. Once the Building Inspector provides the Licence Inspector with written assurances that all aspects of the BC Building Code and the Village's Building Bylaw are complied with, a Business Licence may be issued if compliance with any and all other Bylaws, rules and regulations is achieved, and payment of the required fee is received.

**7. BUSINESS LICENCE FEES**

Fees under this Bylaw shall be payable as set out in Village of Sayward Fees and Charges Bylaw.

**8. SEPARATE LICENCE PREMISES**

For the purposes of this Bylaw, where a Business is carried on, in or from more than one premises, the Business carried, in or from each premises shall be deemed a separate and distinct Business, except for a Building Rental Business, which may rent or lease suites from more than one premises under a single Business Licence.

**9. TRANSFER**

No Business Licence shall be transferred from one Person in respect of certain premises to that same Person in respect to another premise, without prior approval of the Licence Inspector. Such transfer shall be refused by the Licence Inspector where the premises to which the Applicant wishes to transfer the licence do not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and business, or any other rules and regulations.

**10. DISPLAY LICENCE**

The Business Licence holder or Person in charge or control of the premises where the Business is carried on or practiced, shall at all times keep the Business Licence prominently displayed in the sales or reception area of the premises to which the public has access, or an area designated by the Licence Inspector.

**11. NOTIFY OF CHANGES**

Every holder of a Business Licence shall notify the Licence Inspector of any changes in the mailing and/or Business location, the classification of the Business, or any alteration to the premises in which the Business is carried out, and upon the termination of the carrying on of the Business by the Business Licence holder. The Business Licence holder shall notify the Licence Inspector that the Business Licence is no longer required and shall surrender the Business Licence to the Licence Inspector.

**12. PERMITS AND CERTIFICATION**

Prior to the issuance of a Business Licence for any Business, a Person applying for the Business Licence shall, where applicable, provide to the Licence Inspector proof that the Applicant has obtained all required permits and certifications from Federal and/or Provincial regulating bodies respecting their Business.

**13. LICENCE PERIOD**

(a) Except as provided for in Schedule "A", Business Licenses shall be granted for a period of one-year, commencing on the first day of January and terminating on the last day of

December each calendar year.

- (b) Business Licence holders are required to renew their Business Licence by submitting the required fee prior to April 1<sup>st</sup> each year.

#### **14. ASSIGNMENT OF BUSINESS LICENCE**

In the event of sale of a Business for which a Business Licence is issued, the Licence Inspector may permit an assignment of the Business Licence to the purchaser of a Business on an application for assignment upon receipt of the fee outlined in the Village of Sayward Fees and Charges Bylaw. Such transfer shall not, however, be approved if the proposed assignee is not a Person qualified under the terms of this, or any other bylaw to carry on the Business for which the Business Licence was issued, or if the premises do not comply with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and businesses or any other rules and regulations.

#### **15. GRANTING AND SUSPENSION**

- (a) The Licence Inspector may grant a Business Licence where the Licence Inspector is satisfied that the Applicant has complied with all the requirements of the bylaws of the Village, and may suspend, for such a period as the Licence Inspector may determine, any Business Licence if the holder of the Business Licence:
  - (i) is convicted of an indictable offence in Canada where that offence is related to the nature of the Business for which the Business Licence has been issued;
  - (ii) is convicted of an offence under any Village bylaw or statute of the Province in respect of the Business for when the Business Licence holder is licensed or with respect to the premises named in the Business Licence;
  - (iii) has, in the opinion of the Licence Inspector, been guilty of gross misconduct in respect to the premises named on the Business Licence as to warrant the suspension of the Business Licence;
  - (iv) has ceased to meet the lawful requirements to carry on the Business for which the Business Licence holder is licensed or with respect to the premises named in the Business Licence;
  - (v) has failed to comply with the terms and conditions of this Bylaw or the Business Licence.
- (b) Any Person whose Business Licence has been suspended under this section may appeal to Council, and upon appeal, the Council may confirm or set aside the suspension on such terms Council may determine.
- (c) Council may revoke a Business Licence for reasonable cause after giving notice to the Business Licence holder and after giving the Business Licence holder an opportunity to be heard.
- (d) The Licence Inspector may, upon receiving an application for a Business Licence, refer the decision of granting or refusing to grant a Business Licence to Council, who, for that purposes, may decide to conduct a hearing.

- (e) The suspension of a Business Licence by the Licence Inspector shall be made by notice in writing signed by the Licence Inspector and served on that Person holding such Licence or delivered to the holder of such Business Licence by registered mail to the address given by the licensee on the Business Licence Application. A notice of such suspension of a Business Licence may be posted by the Licence Inspector upon the premises for which the Business Licence is issued and such notice shall not be removed until the Business Licence is reinstated, the former licensee ceases to occupy the premises, or a new Business other than the one carried on by the former licensee is started in the premises, whichever first occurs.

#### **16. FAMILY, GROUP DAYCARE AND COMMUNITY CARE FACILITIES**

Applicants under this category must provide verification that they are licensed pursuant to all relevant Provincial and Federal statutes.

#### **17. USE OF HIGHWAYS, PARKS AND PUBLIC SPACES**

No Person shall offer for sale any goods or merchandise on Highways, Parks or Public Open Spaces within the boundaries of the Village unless they have first complied with all applicable Village bylaws and/or permission by resolution of Council is granted.

#### **18. SPECIAL EVENTS**

Council may, by resolution, allow multiple vendors to do business in a Park or Public Open Space for special events such as Canada Day without a Business Licence. Individual vendors at a farmer's market or similar event may operate without a Business Licence at the discretion of the Inspector.

#### **19. REFUND OF FEES**

If a Business Licence application is refused by the village or if a Business Licence application is cancelled by the Applicant prior to the issuance of a Business Licence, the Village will reimburse the cost of the Business Licence. Where a Business Licence has been applied for and a Business Licence issued, the Licence Inspector may refund fifty percent (50%) of the Business Licence fee if the Business has clearly not been in operation. Where a Business has been in operation, there will be no refund of the Business Licence fee.

#### **20. ENFORCEMENT**

A Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Village may enter onto any property at any reasonable time to ascertain whether provisions of this Bylaw are being observed and is authorized and may apply a penalty in accordance with section 19 of this Bylaw, if deemed necessary.

#### **21. OFFENCES AND PENALTIES**

- (a) If any Person contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
  - (i) a fine in accordance with the Village of Sayward "Ticketing Offence Bylaw", if the

information respecting the infraction is laid by means of a ticket; or

- (ii) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

**22. SEVERABILITY**

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 decision shall not affect the validity of the remaining portions of this bylaw.

Read a first time on the 16<sup>th</sup> day of April 2019.

Read a second time on the 16<sup>th</sup> day of April 2019.

Amended at second reading on the 16<sup>th</sup> day of April 2019.

Read a third time on the 16<sup>th</sup> day of April 2019.

Adopted on the 7<sup>th</sup> day of May 2019.

<p>Certified a true copy of Bylaw No. 452 this ___ day of _____, _____  _____ Chief Administrative Officer Village of Sayward</p>
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Original signed by "J. MacDonald"  
\_\_\_\_\_  
Mayor

Original signed by "L. Clark"  
\_\_\_\_\_  
Corporate Officer



Village of Sayward Business Licence Bylaw No. 452, 2019

For Office Use Only

Property Zoned: \_\_\_\_\_ Is Proposed Use Permitted: \_\_ Yes \_\_ No

Other Agency Approval required: \_\_ Yes \_\_ No (specify) \_\_\_\_\_

Other Agency Permits or Licence required: \_\_ Yes \_\_ No (specify) \_\_\_\_\_

Building Inspector Approval Required: \_\_ Yes No \_\_ (specify) \_\_\_\_\_

Council Approval Required: \_\_ Yes No \_\_ \_\_\_\_\_

Copy of approval provided: \_\_ Yes No \_\_ \_\_\_\_\_  
(when change in use occurs)

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

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

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

\_\_\_\_\_  
Date

Special comments: