

**TOWN OF PORT MCNEILL  
BYLAW NO. 491, 1997**

A bylaw to provide for the licensing of businesses carried on within the Town of Port McNeill.

The Council of the Town of Port McNeill, in open meeting assembled enacts as follows:

1. Requirement for Business License

Subject to the Municipal Act, no owner or operator of a business in the Town of Port McNeill (hereinafter referred to as the "Town") shall carry on that business without first obtaining for it a valid and subsisting license issued under this bylaw for each premises where the business is carried on.

2. Classification of Business

Businesses in the Town are hereby classified according to the divisions and extent of business set out in Schedule "A" to this bylaw.

3. License Fee

(1) The owner or operator of a business in the Town shall pay to the Town the applicable license fee prescribed in Schedule "A" for that business upon making application to the Town for the business license.

(2) Where the license fee is calculated according to

- a) number of people regularly employed
- b) 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.

(3) Unless a license is refused, no license fee paid under this bylaw shall be refundable.

(4) Where more than one business is carried out at the same business premises, then a separate fee for each business shall be payable.

(5) No license shall be issued to an applicant for a business until the fee prescribed in Schedule "A" for that business has been paid to the Town.

(6) A license is not valid and subsisting until it has been issued by the License Inspector and the license fee prescribed in Schedule "A" has been paid.

(7) If a person begins to carry on a business after the 31st day of July in any year, the license fee prescribed in Schedule "A" for that business shall be reduced by one-half (1/2).

(8) 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 fees prescribed in Schedule "A" for that business.

4. Term of License

Licenses required by this bylaw are issued for a calendar year expiring on the 31st day of December.

5. Transfer of License

- (1) No person holding a business license issued under this bylaw shall change his place of business without first obtaining a transfer of this license.
- (2) Transfer of a business license may be refused for the operation of the business in question if the new premises does not comply with this and all other applicable bylaws of the Town.
- (3) A license granted under this bylaw shall be deemed a personal license to the licensee and shall not be transferable to any other person.
- (4) A person shall not carry out or continue an unincorporated business which he has purchased, without first obtaining a license pursuant to this bylaw.
- (5) 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.
- (6) The fee prescribed in Schedule "A" is payable to the town for each license transfer.
- (7) A licensee shall notify the License Inspector when the license is no longer required.

6. Security

At the time of application, a person applying for either

- (1) a non-resident business license; or
- (2) a resident business license for the first time may be required to post security in the amount of \$1000.00 payable in cash or by Letter of Credit, to be held in trust by the Town for the period of time specified in the Municipal Act.

7. License Inspector

- (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 Town shall give to the License Inspector the information and the 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 Town regulating building, zoning, health, sanitation and business, he may grant, issue or transfer a license subject to any other requirements of this bylaw.

8. License Suspensions

- (1) The License Inspector is hereby delegated the authority to grant or suspend a license in accordance with Section 513 of the Municipal Act.
- (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 new license is issued for the premises.
- (4) No person shall carry on a business for which a license, required by this bylaw, is under suspension.

9. Appeal from License Suspension

- (1) Section 513 of the Act gives a right of appeal to the Council to a person whose license has been suspended or whose application for a license has been refused by the License Inspector.
- (2) A person who intends to appeal to the Council from a refusal or suspension, shall 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 the Council in order to appoint a time and place for a hearing and then shall give to the appellant reasonable notice of the time and date.

10. Revocation of a Business License

- (1) Revocation of a license by the Council is governed by Section 513 of the Municipal Act.
- (2) 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 ceases to occupy the premises, or a new license is issued for the premises.

11. License Approvals

- (1) All premises in or upon which the applicant proposes to carry on any business,

shall be approved by the Town Building Inspector before a license is granted.

- (2) The applicant shall, upon request by the Town Building Inspector, produce certification or letters of approval, as may be required by Federal, Provincial or local government authorities.
- (3) An applicant whose business is governed by Federal or Provincial Acts or Regulations shall, upon request, supply proof to the License Inspector of his employee's qualifications under those Acts or Regulations.
- (4) when the issuance of a license requires insurance coverage, proof of that insurance coverage in a form acceptable to the Treasurer of the Town shall be submitted prior to the issuance of the License.

12. Posting License

A license holder shall post and keep posted the license issued under this Bylaw in the sales or reception area of the premises to which the public has access or in another area designated by the License Inspector.

13. Penalty

- (1) 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 or obligation imposed by this bylaw commits an offense and is liable on conviction to a fine not less than one hundred (\$100.00) dollars nor more than the maximum penalty provided under the Offense Act.
- (2) A person who commits an offense of a continuing nature against this bylaw is liable on conviction to a fine of not less than one hundred (\$100.00) dollars for each day that the offense is continued.

14. Schedule "A"

- (1) Schedule "A" to this bylaw forms a part of and is enforceable in the same manner as this bylaw.
- (2) Fees imposed in Schedule "A" shall become due and payable thirty (30) days after they are invoiced.

15. Citation

This bylaw may be cited as Business License Regulation and Fees Bylaw, No.491, 1997.

16. Rescission

Bylaw No.462, 1995, Business License Bylaw is hereby rescinded.

17. Effective Date

This bylaw shall come into effect on the date of its final adoption.

Read a first time the 17th day of June, 1997

Read a second time the 17th day of June, 1997

Read a third time the 17th day of June, 1997

Reconsidered, finally passed and adopted the 24th day of June, 1997

**Schedule "A"  
Fees**

**Commercial/Industrial**

Definition - any business permitted in the zones designated in the Town of Port McNeil Zoning and Land Use Bylaw and any amendments thereto.

<u>Basis of Fee</u>	<u>License Fee</u>
Employing up to 3 persons	\$ 50.00
Employing 4 to 10 persons	80.00
Employing 11 to 25 persons	110.00
Employing 26 to 50 persons	210.00
Employing over 51	300.00

**Rental Units/Spaces**

Definition - any building containing more than two rental units for residential purposes.

For each rental unit or rental space	\$ 5.00
--------------------------------------	---------

**Home Occupation**

Definition - any business permitted in residential areas under the provisions of the Home Occupation Regulations set out in the Town of Port McNeill Zoning Land Use Bylaw and any amendments thereto.

Per business	\$ 65.00
--------------	----------

**Mobile Business**

Definition - a business that is carried out entirely from a motor vehicle or mobile unit that is designed to be or is mobile, including hand push carts and self-propelled concession stands. The entire stock of goods, ware, merchandise or foodstuffs offered for sale is actually carried and contained in the motor vehicle or mobile unit. The goods, wares, merchandise, or foodstuffs are offered for sale and are delivered to the purchaser at the time of sale. This does not include a delivery vehicle owned and operated by a licensed retailer or wholesaler within the Town.

Each mobile unit	\$ 300.00
------------------	-----------

**Miscellaneous Businesses**

Definition - any business which is not carried out from a building or premises within the Town of Port McNeil such as: Canvasser, delivery services, mobile sales and servicing (not including "Mobile Business" defined hereinbefore) and any other business which is not hereinbefore provided.

Per business	\$ 65.00
--------------	----------

**Transfer of License**

Section 5 of this Bylaw	\$ 15.00
-------------------------	----------

**Schedule "B"**  
**Mobile Business Regulations**

1. Mobile Business:
  - 1.1 Mobile Stores and Concession Stands - a vehicle registered to operate on a highway which is used in the carrying on of business as a mobile store or a mobile concession stand.
  - 1.2 Mobile Vending Push Cart - a vehicle not registered to operate on a highway which is designed for use as a food and beverage vending outlet.
2. Use of Highways:
  - 2.1. No person shall offer for sale any goods or merchandise on a highway within the boundaries of the Town of Port McNeill, except as provided in this bylaw or other enactment;
    - 2.1.1 Traffic and Highways Regulation Bylaw No.319,1989 (Parking Regulations)
    - 2.1.2 Motor Vehicle Act (When vehicle stopping prohibited)
3. Mobile Stores, Mobile Restaurants, Mobile Vending Push Carts
  - 3.1 Every vehicle used in the carrying on of a business as a mobile store or a mobile concession stand shall have dust tight, well-lighted, sanitary interior from which the business is to be carried out.
  - 3.2 All mobile stores, mobile concession stands or mobile vending push carts shall be in good mechanical condition and meet all the food handling requirements of the Provincial Health Regulations and shall be in possession of valid permits issued by the Provincial Government authority having jurisdiction.
  - 3.3 No form of music or voice amplifying device shall be allowed. All soliciting to be done at a level speaking voice, with no shouting.
  - 3.4 A mobile store, concession stand, vending push cart shall be operated from **commercial or industrial zoned private property only, with the consent** of the property owner.
  - 3.5 The only goods to be sold from a mobile concession stand or mobile vending pushcart are food and beverages.
  - 3.6 The operator of a mobile vending pushcart must provide waste receptacles and shall be responsible for cleaning all litter generated within 10 meters of the mobile vending pushcart.