

**DISTRICT OF BARRIERE**  
**DRAFT- BYLAW NO. 267**

**A Bylaw to Regulate and License Businesses**

WHEREAS in accordance with the *Community Charter*, a municipality may, by bylaw, regulate in relation to Business;

AND WHEREAS in accordance with the *Community Charter*, a municipality may provide for a system of Licenses;

AND WHEREAS in accordance with the *Community Charter*, a municipality has additional powers in respect of Business regulation.

The Municipal Council of the District of Barriere, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “*District of Barriere Business License and Regulation Bylaw No. 267*”.
2. This Bylaw applies to the whole of the area within the boundaries of the District of Barriere as may be amended from time to time.
3. This Bylaw comes into force and takes effect on the day of its final adoption by the Council of the District of Barriere.
4. “*District of Barriere Business License Regulations Bylaw No. 0041, 2009*”, is hereby repealed.
5. This bylaw is divided into the following divisions:

Division One	Interpretation
Division Two	Definitions
Division Three	General Regulations
Division Four	Business License Regulations
Division Five	Specific Business Regulations
Division Six	Offences and Penalties
Division Seven	Schedules

**DIVISION ONE – INTERPRETATION**

100. Words or phrases defined in the British Columbia *Interpretation Act*, *Community Charter*, or *Local Government Act*, or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Division Two of this bylaw are used in the body or schedules of this bylaw, they have the meaning ascribed to them as set out in Division Two.

101. The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
102. Metric units and imperial measurements are used for all measurements in this bylaw.
103. Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the District of Barriere, as amended, revised, consolidated, or replaced from time to time.

## **DIVISION TWO - DEFINITIONS**

200. In this bylaw, unless the context requires otherwise:

**“ACCESSORY RESTAURANT”** means premises into which the public is invited for the purposes of using amusement machines, but does not include a premises containing six (6) or less amusement machines

**“APPLICANT”** means any person who makes application for a Business license pursuant to this bylaw.

**“ARCADE”** means premises into which the public is invited for the purposes of using amusement machines, but does not include a premises containing six (6) or less amusement machines.

**“BEER & WINE STORE”** means a retail trade store that primarily sells beer, wine and liquor products for consumption off the premises.

**“BUSINESS”** means:

- a) Carrying on of a commercial or industrial undertaking of any kind; or
- b) Providing professional, personal, or other services with a purpose of gain or profit, but does not include any activity carried on by a Crown Corporation, the provincial government, or by corporations owned by the provincial government, or by agencies of the provincial government, or by the District of Barriere.

**“BUSINESS LICENSE”** means a License issued by the Business License Inspector in a form approved by the Business License Inspector, which License is required to operate a Business in the District of Barriere.

**“BUSINESS LICENSE FEE”** means a Business License Fee, or an Inter-Community Business License fee, as the context requires and prescribed within the District of Barriere Fees & Charges Bylaw No. 73 as amended or replaced from time to time.

**“BUSINESS LICENSE INSPECTOR”** means the Chief Administrative Officer, Chief Financial Officer or other officer(s) delegated to assist in carrying out their duties under this bylaw.

**“CABARETS/NIGHTCLUBS”** means an establishment where a full range of liquor products are sold for consumption on the premises and where a dance floor and entertainment (not including exotic dancing) may be provided.

**“CANNABIS”** has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

**“CHIEF ADMINISTRATIVE OFFICER”** means the person appointed by Council from time to time and their Deputy, carrying out their duties under this bylaw.

**“CHIEF FINANCIAL OFFICER”** means the person appointed by Council from time to time and their Deputy, carrying out their duties under this bylaw.

**“COMMERCIAL LANDLORD”** means a person or entity who holds a legal or beneficial interest in any premises within District boundaries and leases, lets, or rents such premises to any other person or entity for the purposes of operating a Business.

**“CORPORATE OFFICER”** means the person appointed by Council from time to time and any person delegated to assist in carrying out their duties under this bylaw.

**“COUNCIL”** means the Municipal Council of the District of Barriere.

**“PUBLIC WORKS MANAGER”** means the person appointed as such from time to time by the District of Barriere and any person delegated to assist in carrying out their duties under this bylaw.

**“FEES & CHARGES BYLAW”** means the District of Barriere Fees and Charges Bylaw No. 73 as amended or replaced from time to time.

**“FIRE CHIEF”** means any person appointed from time to time as Fire Chief for the District of Barriere and includes any person acting lawfully in that capacity.

**“FLOOR AREA”** means that area within a building that is used for display purposes, or to service customers, but shall not include those areas set aside exclusively for the storage of supplies or for the exclusive use of the employees of the Business.

**“GROUND AREA”** means the total ground area used for the carrying on of the Business. Where more than one Business is carried on from a single lot or ground area, the ground area for each Business shall be as determined by the License Inspector.

**“INTER-COMMUNITY BUSINESS LICENSE”** means a Business License that authorizes a Mobile Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with the Inter-Community Business License bylaw as amended from time to time.

**“HOME BASED BUSINESS”** means an occupation or profession carried on by an occupant of a residence, for consideration, which is clearly incidental and accessory to the use of the property for residential purposes.

**“HOTEL PUB”** means an establishment located within a hotel, where liquor products are sold for consumption on the premises and where entertainment may be provided.

**“LOUNGE”** means an establishment where liquor products are sold for consumption on the premises and where entertainment (not including a dance floor) may be provided.

**“MOBILE BUSINESS”** means a Business that performs a service or activity within more than one Participating Municipality but not from or in Premises in one or more participating municipalities, and who provides the service or activity by moving from client to client.

**“MOBILE FOOD VENDOR”** a Business selling food products from a pushcart, pedalcart, mobile trailers, wagons or other vehicles parked on private or public property at a location permitted for such commercial use under the District of Barriere Zoning Bylaw. Where the mobile Business is limited to the selling of ice cream and other frozen confections, it shall be permitted to operate at roadside in residential areas, or other vehicle conversions for the purpose of selling prepared foods and/or beverages.

**“NEIGHBOURHOOD PUB”** means an establishment where liquor products are sold for consumption on the premises only.

**“NON-RESIDENT BUSINESS”** means a Business, other than a resident Business, carried on within the Municipality or with respect to which any work or services is performed within the Municipality.

**“PERSON”** includes an individual, corporation, organization, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw.

**“PREMISES”** means a building or portion of a building or an area of land occupied, or capable of being occupied, by a person or Business entity for the purpose of carrying on a Business, including, but not limited to: stores, offices, warehouses, factory buildings, houses, enclosures, yards, or other places.

**“RCMP”** means the Royal Canadian Mounted Police.

**DIVISION THREE - GENERAL REGULATIONS****Appointment of Business License Inspector**

300. Council hereby appoints the Chief Financial Officer to be the Business License Inspector for the purpose of enforcing and carrying out the provisions of this bylaw with the Chief Administrative Officer appointed to serve in this capacity in the absence of the Chief Financial Officer.

**Authority of Business License Inspector**

301. The Business License Inspector shall classify and interpret each application for a Business License in accordance with the Business categories listed in Schedule 'A' of this Bylaw and prescribe the corresponding fee as listed within the Fees & Charges Bylaw.
302. The Business License Inspector shall have the authority to grant or refuse a Business License in any specific case, provided that a Business License shall not be unreasonably refused and, in the case of refusal, upon request, the Business License Inspector must provide written reasons for refusal.
303. The Business License Inspector shall assess factors, including the applicant's compliance with the requirements of all acts, enactments, regulations, and bylaws governing building, zoning, fire, health, sanitation, Business, property use and strata bylaws, if applicable when considering a Business License application.
304. The Business License Inspector may establish the terms and conditions of a Business License, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a Business License.
305. In accordance with Section 16 of the *Community Charter*, the Business License Inspector, or their delegate, shall have the authority to enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this bylaw are being met.

**Compliance With Other Enactments**

306. Where any Federal/Provincial Act or Regulation or any other District bylaw applies to any matter covered by this bylaw, the issuance of a Business License under the provisions of this bylaw shall not relieve the Business License holder from complying with the provisions of such other enactments.
307. The issuance of a Business License shall not be deemed to be a representation by the District to the Business License holder that the Business or proposed Business complies with any or all applicable bylaws or enactments. The Business License holder remains responsible to ensure compliance with all bylaws and enactments.

**Suspension or Cancellation of a Business License**

308. Pursuant to Section 154 of the *Community Charter*, Council hereby delegates the authority, in accordance with Section 60 of the *Community Charter*, to suspend or cancel a Business License to the Business License Inspector, including the authority, in accordance with Subsections 60(3) and 60(4) of the *Community Charter*, to give notice of the proposed suspension or cancellation and to hold a hearing at which the Business License holder may be heard from before suspending or cancelling a Business License.

309. The Business License Inspector may suspend or cancel a Business License for:

- a) Failure by a Business License holder to comply with a term or condition of a Business License;
- b) Failure by a Business License holder to comply with this bylaw; or
- c) Reasonable cause,

provided that the Business License Inspector has, before the suspension or cancellation, given the Business License holder notice of the proposed suspension or cancellation and has given the Business License holder an opportunity to be heard.

310. Notice of suspension or cancellation of a Business License:

- a) Shall be issued to the Business License holder by the Business License Inspector, in writing, outlining:
  - i) the reasons for the suspension or cancellation;
  - ii) the time, date, and place of the hearing at which the Business License holder will have an opportunity to be heard;
- b) Shall be served or delivered by registered mail to the Business License holder to the address of the Business shown on the Business License application; and
- c) May be posted by the Business License Inspector upon the premise(s) for which the Business License was issued and such notice shall not be removed until the Business License is reinstated, the former Business License holder ceases to occupy the premise(s), or a new Business other than the one carried on by the Business License holder is started in the premise(s).

#### Council Reconsideration of Refusal to Grant, Suspension or Cancellation of a Business License

311. If the Business License Inspector exercises their authority to refuse, suspend, or cancel a Business License, the applicant or Business License holder who is subject to the decision is entitled to have Council reconsider the matter in accordance with Subsection 60(5) of the *Community Charter*.

312. An applicant or Business License holder who wishes to have Council reconsider the refusal, suspension, or cancellation of a Business License shall give written notice of their request for reconsideration to the District's Corporate Officer and such notice must include a description of the grounds upon which the request for Council reconsideration is made.

313. Upon receipt of a written notice for reconsideration by the District's Corporate Officer, the Corporate Officer shall schedule the time, date, and place for Council to hear the reconsideration.

314. In reconsideration of a decision made by the Business License Inspector to refuse, suspend or cancel a Business License, Council may confirm or set aside the Business License Inspector's decision as it may deem appropriate in the circumstances.

#### **DIVISION FOUR - BUSINESS LICENSE REGULATIONS**

##### **Business License Required**

400. No person or entity shall carry on a Business within the District without having obtained a valid Business License issued by the Business License Inspector.

##### **Separate Business License**

401. Except as provided in Section 420 (Temporary Business License) of this bylaw, where a Business is carried on in or from more than one premises in the District, the Business carried on in or from each premises shall be deemed to be a separate Business and shall require a separate Business License.
402. A separate Business License shall not be required for additional premises in circumstances where the premises used in carrying on a single Business are comprised of multiple contiguous parcels of land or multiple portions of a building that are each accessible to each other through internal doorways without leaving the building.
403. Where there is more than one separate and distinct Business category located within the same premises, each Business category shall have a separate Business License.
404. Where a Business operates with more than one distinct trade name within the same premises, only a single Business License Fee will be required - subject to the following:
- a) The Business License issued must include both trade names on one License;
  - b) The second trade name Business activity must fall within the same Business category and sub-category as the first License;
  - c) The ownership for both trade names must be the same;
  - d) The second trade name Business activity must be in the same location as the primary Business;
  - e) Only businesses with flat rate Business License Fee calculations are eligible; and
  - f) Businesses requesting separate Licenses for each trade name will be required to pay an additional fee or a Secondary Business License Fee (as determined by the Business License Inspector).

##### **Business Licensing Period**

405. Except as otherwise provided, Business Licenses shall be granted for a one year period, to commence on the first day of January and to terminate on the 31st day of December in each and every year.

Business License Refund

406. Business License Fees are not refundable after issuance. A Business License Fee paid prior to issuance is refundable with a \$35 processing fee which shall be deducted from the paid Business License Fee prior to refund.

Business License Renewal

407. Business License holders must renew their Business License by submitting the required Business License Fee prior to the beginning of each license period, regardless of whether a Business License holder has received a renewal invoice or not. Business License renewal payments received after February 15th in a given year may be subject to a \$25 late payment charge.
408. Businesses that do not renew their Business License may be removed from the Business License file and be considered no longer in Business where the District has determined, through reasonable efforts, that the Business is no longer active.

Business License Application Forms

409. The Business License Inspector has the authority to set the Business License application form and the accepted method of application.
410. Every person applying for a Business License or a transfer of a Business License shall complete the Business License application form. Applications may be signed by the owner or a duly authorized representative.
411. Business License applications received through approved online processes may be made without signatures.
412. Applications for change of location of home occupation Businesses or applications made for change of mailing address for commercial and non-resident Business can be made by telephone or email in the application form.
413. Submission of additional documentation may be required to process a Business License application, which may include, but is not limited to the following:
- a) a current title search or certificate of title including any legal charges registered on title;
  - b) proof of fire inspection as per the District of Barriere *Fire Regulations Bylaw No. 55* as amended or replaced from time to time, and any relevant Fire Inspection Policies – the cost of the initial, annual inspection is included in the Business License Fee. Any follow up inspection(s) have a corresponding fee as per Fees & Charges Bylaw;
  - c) written authorization from the strata corporation where a Business would be located within a strata.
  - d) Proof of Insurance
  - e) Health Authority Approval for applicable classifications
  - f) Proof of Professional Designation for applicable classifications



False Declarations

414. Any person making an application for a Business License shall give true and correct details in respect of the Business for which the Business License is being applied. Any false declaration or concealment of material facts by a person making an application for a Business License shall be deemed a contravention of this bylaw.

Business License Fees

414. Business License Fees are described in *Fees & Charges Bylaw* and shall be paid to the District prior to the issuance of a Business License. Invoicing and e-commerce transactions of a new Business License Fee, transfer fees, and other fees may be permitted if approved by the Business License Inspector.
415. The Business License Inspector shall determine and distinguish where Primary Business License Fees and/or Secondary Business License Fees are payable in accordance with the provisions of the District of Barriere *Fees & Charges Bylaw*.

Business License Fees Pro-Rated

416. Business License Fees for new Businesses starting after June 31<sup>st</sup> of a calendar year, may be pro-rated accordingly. Pro-rating shall not apply to existing Businesses which obtain temporary Licenses pursuant to section 419 or to other temporary Businesses or Businesses which have closed and re-opened within six months.

Form of Business License

417. Every Business License granted pursuant to this bylaw shall state that the holder is licensed to carry on the Business stipulated in such Business License in a lawful manner for the period specified in the Business License at the place stated in the Business License.

Display of Business License

418. Business Licenses shall be permanently displayed at all times in the Business area of the premise(s) for Businesses which have public access. All other Businesses shall produce the Business License certificate when requested for public inspection. Mobile Food Concessions, and Food Trucks and Trailers must display the Business License on the Mobile Food Concession, or the Food Truck, or Trailer.

Temporary Business Licenses

419. A temporary Business License is permitted where an existing Business is carried on from a fixed premise in the District and the Business wishes to independently carry on for a temporary period of time from a commercial premise elsewhere.
420. Temporary Business License Fees are set out in Fees and Charges Bylaw.
421. Temporary Business Licenses Fees shall not be pro-rated.

Change of Location

422. Changes of location in respect of a Business License shall not be permitted unless and until the Business License holder completes a new application for a Business License and pays a change of location fee to the District in the amount as set out in *Fees and Charges Bylaw*.
423. Home-based Businesses that change their location to another home are exempt from the requirement to pay a change of location fee, but must submit a new Business License application prior to the change of location.
424. In applying for a Business License, if the applicant changes the location of the Business prior to approval and issuance of a Business License by the Business License Inspector, then the applicant must submit a revised Business License application and pay a change of location fee in the amount as set out in *Fees and Charges Bylaw* for each new location.

Assignment/Transfer of a Business License

425. Business Licenses shall not be assignable or transferrable and, when ownership of a Business changes (including change in control of a Business entity), the new Business owner must apply to the District for a new Business License.
426. Notwithstanding that a new Business owner must apply for a new Business License, if all outstanding Business License Fees are paid to date in respect of the existing Business License, then there will be no additional Business License Fee payable by the new owner for the current licensing period.

Notification of Business Changes/Closure

427. Every Business License holder shall notify the Business License Inspector, in a form approved by the License Inspector, of any change in the name, ownership, mailing and/or Business address, the Business practice, the floor area of the premise(s), the number of people, rental units, games machines, or vehicles used in the operation of the Business, or any alteration to the premises in which the Business is carried on.
428. Upon the termination or closing of a Business, the Business License holder shall notify the Business License Inspector that a Business License is no longer required.

**DIVISION FIVE - SPECIFIC BUSINESS REGULATIONS**Mobile Vendors/Solicitation

500. No person shall:
- a) Sell or offer for sale any book, magazine, or periodical, other than a newspaper, on any street in the District without approval by the Chief Administrative Officer;
  - b) Carry on any Business on any Municipal right-of-way or easement, except with expressed permission in writing or by permit from the District of Barriere.

501. Mobile food concessions, food trucks and trailers, and art sales displayed outdoors to the general public must not impede pedestrian/vehicle traffic or contain any hate speech, nudity, or other offensive material.
502. Mobile food concessions, food trucks and trailers, and equipment required by outdoor artists must meet the approval of the Business License Inspector.
503. The Business License Inspector will require mobile food concessions, food trucks and trailers, and outdoor artists conducting Business on Municipal property to obtain and maintain comprehensive general liability insurance in the amount of not less than Two Million Dollars (\$2,000,000) and in conjunction with such insurance:
  - a) The District shall be included as an additional insured in the insurance policies that are obtained;
  - b) The Business License holder shall hold the District harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of a mobile food concession or a display by a sidewalk artist;
  - c) The Business License holder's insurer must recognize, in writing in the insurance policy, the existence of the above hold harmless clause;
  - d) An endorsement that the policy shall not be cancelled, lapsed, or materially altered without giving thirty (30) days' written notice to the District of Barriere; and
  - e) Proof of such insurance to the satisfaction of the District shall be submitted to the Business License Inspector prior to the issuance of a Business License.
504. Businesses classified as "Mobile Food Vendors" offering the sale of food and beverage products must:
  - a) not be permanently affixed to any building or structure;
  - b) keep the surrounding area clean and clear of all waste, grease, and food stains;
  - c) ensure any grease or oil used for cooking purposes is collected and deposited in an approved manner and not deposited into a municipal wastewater, or storm sewer system; and
  - d) not disturb persons on adjacent properties with noise and/or odours produced by generators and other Business-related devices or equipment.
  - e) not locate within 50 m of an established restaurant or neighbourhood pub on a separate legal parcel of land (measured by the shortest path between two aerial points on a map while the establishment is open for Business, unless the food truck or trailer operator has written permission from the establishment's owner; and

- e) ensure that any furniture, signage, solid waste, and recycling receptacles and other Business-related paraphernalia are sited on private property adjacent to the vehicle do not obstruct vehicle or pedestrian movement and are removed each day at close of Business (off-vehicle paraphernalia is limited to two tables, eight chairs or four benches, one garbage receptacle, one recycling receptacle, one umbrella, and one sandwich board sign).

505. Businesses classified as “Mobile Food Vendors” located on District property must:

- a) ensure all signage and Business-related paraphernalia is attached to the food truck or trailer, including solid waste and recycling receptacles. Freestanding or sandwich board signs, tables, chairs, and benches are not permitted in conjunction with the Business unless authorized in writing by the District;
- b) maintain food trucks or trailers in clean condition and in good repair; and
- c) comply with the terms and conditions outlined in its Right-of-way Usage Permit, including consistent participation on scheduled days, as outlined in the permit. The Public Works Manager or designate reserves the right to cancel and/or reassign the permit without reimbursement of permit fees should the Business fail to comply with the terms and conditions therein, including failure to show up for five or more consecutive permitted days.

506. The soliciting of sales of any article, commodity, or thing, or any agreement for the provision of any service shall require a Business License issued under the provisions of this bylaw.

#### Arcades

507. Arcades shall not be permitted to operate between the hours of 24:00 hours (12:00 midnight) and 09:00 hours (9:00 am).

#### Automobile Parking Lot

508. It is a condition of the granting of a Business License to any person to carry on the Business of an automobile parking lot that one sign be posted at each entrance and each exit of each automobile parking lot used in operation of the Business, with each sign stating in wording clearly legible by day or night to the satisfaction of the Business License Inspector, the circumstances under which a vehicle may be removed or towed from the lot and the address of the place to which the vehicle will be removed or towed.

#### Amusement Park/Carnival/Circus/Rodeo - Insurance and Safety Standards

509. A person applying for a License to hold a carnival or circus on public property may be required by the Business License Inspector to obtain and maintain comprehensive general liability insurance in the amount of not less than Five Million Dollars (\$5,000,000) and in conjunction with such insurance:

- a. The District shall be included as an additional insured in the insurance policies that are obtained;
- b. The Business License holder shall hold the District harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of the activity in this classification;

- c. The Business License holder's insurer must recognize, in writing in the insurance policy, the existence of the above hold harmless clause;
  - d. An endorsement that the policy shall not be cancelled, lapsed, or materially altered without giving thirty (30) days' written notice to the District of Barriere; and
  - e. Proof of such insurance to the satisfaction of the District shall be submitted to the Business License Inspector prior to the issuance of a Business License.
510. As a condition of issuance of a Business License in respect of an activity in this classification on public property, or at any time during the term of the License, the Business License Inspector may require:
- a. Proof that all machines, rides, and equipment to be used by the public at the activity in this classification conform to the safety standards of the provincial authority having jurisdiction; or
  - b. A deposit with the District of a Standby Letter of Irrevocable Credit in the amount of Five Thousand Dollars (\$5,000) which shall be held by the District as security to reimburse any expenses incurred to carry out clean-up operations or repair damage caused by the operation of the carnival or circus, it being understood that the District may bring legal action or exercise other remedies against the License holder if the clean-up operations or cost of repairs exceed the sum of Five Thousand Dollars (\$5,000). The security shall be returned to the Business License holder if the District is satisfied that the Business License holder has carried out the necessary clean-up operations or repairs.

## **DIVISION SIX - OFFENCES AND PENALTIES**

600. No person shall do any act or permit any act or thing to be done in contravention of this bylaw.
601. Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
- i. Shall be liable to a fine set out in the District of Barriere Bylaw Notice Enforcement Bylaw No. 95 as amended;
  - ii. Where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the *Community Charter* of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
  - iii. Any combination of the above.
602. Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.



## **DISTRICT OF BARRIERE**

### **DRAFT - BYLAW NO. 267**

#### **SCHEDULE "A"**

##### ***BUSINESS CATEGORY DESCRIPTIONS***

For record keeping convenience the License Inspector may segregate various classes of business licenses numerically within each code.

#### **CODE**

##### **0100 ACCOMMODATIONS**

Rent or lease suites or rooms in a hotel, motel, rooming house, bed and breakfast house, apartment, mobile home park or campground.

- 0101 Permanent/Temporary residential occupancy
- 0102 Mobile Home Park
- 0103 Campground
- 0104 Bed & Breakfast

##### **0200 AGENT**

Any person who, either on their own behalf or as an agent for another, sell or solicits or takes orders to be supplied by any person not carrying on a business within the District of Barriere.

- 0201 Agent

##### **0300 AMUSEMENT PARK/CARNIVAL/CIRCUS/RODEO**

Any water slide, miniature golf course, go-kart track, bumper cars, rodeo, rides, or similar place of entertainment. Any person holding a license under this section may also sell by retail, without further license or fee: food novelties, tobacco, gifts and souvenirs. Each applicant for a license issued for under this classification shall provide to the License inspector proof of \$5,000.00.00 liability insurance co-naming the District as insured.

- 0301 Amusement Park/Carnival/Circus - Daily
- 0302 Amusement Park/Carnival/Circus - Annual

##### **0400 AUTOMOBILE/VEHICLE SALES, RENTAL AND SERVICE**

Sales/rental and service; new or used cars snowmobiles, motorcycles, boats, trucks or recreational vehicles.

- 0401 Sales and rental only
- 0402 Sales, rental and service
- 0403 Sales, rental and service of snowmobiles, motorcycles, boats & recreational vehicles

**0500 AUTO WRECKER**

Retail sales of used goods, scrap metals, and wrecking.

0501 Auto wrecker

**0600 BEAUTY SALON**

Beauty salon, hairdresser, esthetician, cosmetologist, or barber.

0601 Beauty Salon

**0700 BUSINESS SERVICES**

Appliance & electronic repair service, auctioneer, collection agency, counseling service, desktop publisher, hall rental, janitorial, research and development laboratory, liquor delivery, office assistant/answering office use, photographic studio, commercial printing, security/enforcement, steam cleaning, tax preparation, travel agency, upholsterer, consulting, mobile hairdresser, automobile towing, property maintenance and management, business machine maintenance, and general handyman.

0701 Business Services

**0800 CAR WASH**

0801 Car Wash

**0900 CHIMNEY CLEANING SERVICE**

0901 Chimney Cleaning Service

**1000 CHRISTMAS TREE SALES**

1001 Christmas Tree Sales

**1100 CONCESSION SALES**

Any business in which light refreshments, lunches, confectionary and tobacco, or any one or more of them are served or offered for sale in premises that do not exceed 47 square meters.

1101 Concession Sales

**1200 CONTRACTOR**

A person carrying on the business of constructing, repairing or demolishing a building, structure or thing, or offering the service of an associated building, construction or engineering sub-trade is as follows:

Contractor (General) – means any person who enters into a contract to construct, repair or demolish a building, structure or thing, wherein more than two sub-trades are required to assist the general contractor and possess proof of valid contractor's license or accreditation.



Subcontractor (Sub)/Tradesman – means without storefront or office within the District of Barriere and possesses proof of valid contractor's license or accreditation.

1201 Contractor (General)

1202 Subcontractor (Sub)/Tradesman

**1300 DAYCARE**

In home or rented/leased premises.

1301 Daycare

**1400 EQUIPMENT SALES, RENTALS, AND SERVICE**

Sales and service of industrial, farm and light commercial.

1401 Equipment Sales, Rentals, and Service

**1500 ENTERTAINMENT PLACES PERMANENT**

Theater, Amusement Halls, or other Place of Assembly – includes drive-in/movie theatres, amusement hall, concert hall, music hall, opera house, rink, amusement park, bingo hall or other place of amusement, entertainment, or fall fair exhibition grounds.

1501 Entertainment Places

**1600 EXHIBITION RETAIL**

Exhibition/Itinerant Show/Special Event, including Horse Racing – when held elsewhere than in a licensed theatre or other licensed place.

1601 Exhibition Retail - Daily

1602 Exhibition Retail - Annual

**1650 EXHIBITION RETAIL SALES (TEMPORARY)**

Carry on a business or displaying or showing to the public, goods, wares, or other merchandise on premises temporarily rented, leased, or otherwise obtained, including but not limited to trade fairs, fall fairs, flea markets, and fruit stands.

1651 Exhibition Retail (Temporary) - Daily

1652 Exhibition Retail (Temporary) - Annual

**1700 FARMER'S MARKET, FLEA MARKET, FRUIT STAND**

1701 Farmer's Market/Flea Market/Fruit Stand - 3 month

1702 Farmer's Market/Flea Market/Fruit Stand - 6 month

1703 Farmer's Market/Flea Market/Fruit Stand - Annual

**1800 FABRICATING**

Pre-finished materials are used to make a product or thing, including but not limited to tire retread shop, sheet metal, steel fabricating, sign shop, fiberglass.

1801 Fabricating

### **1900 FINANCIAL AND BROKERAGE COMPANY**

A person or company carrying on the business of a bank, trust company, credit union, finance and loan company, brokerage company, cheque cashing services, payday loans services, independent stock broker, or independent mortgage broker.

1901 Financial and Brokerage Company

### **2000 FOOD SERVICE**

A person carrying on a business for the preparation and sale of food, including but not limited to a licensed restaurant, butcher, deli, bakery, caterer, and tea room.

2001 Food Service

### **2100 FOOD VENDORS**

Means a person carrying on the business of selling food products from a vehicle parked on private or public property at a location permitted for such commercial use under the District of Barriere Zoning Bylaw.

Where the mobile business is limited to the selling of ice cream and other frozen confections, it shall be permitted to operate at roadside in residential areas:

2101 Food Vendors – non motorized  
Push or Pedal Mobile units

Food Vendors – Motorized

2102 Pulled or Self powered mobile unit - Monthly

2103 Pulled or Self powered mobile unit - Annual

### **2200 FUEL SALES AND SERVICE**

Fuel bar, service station, or bulk fuel agent/dealer, but can include gas, propane, and fiber wood products.

2201 Fuel Sales and Service

### **2300 FUNERAL SERVICE/CREMATORIUM**

Funeral Services/Arrangements

2301 Funeral Service/Crematorium

### **2400 HANDICRAFTS AND ARTS**

Home Based – of making or producing a product as a handicraft or art form.

2401 Handicrafts and Arts

### **2500 LAUNDROMAT AND DRY CLEANER**

Laundromat or dry cleaners which may include on site fabric repair.

2501 Laundromat and Dry Cleaner

**2600 LICENSED LIQUOR ESTABLISHMENT/LIQUOR SALES/CANNABIS SALES**

Selling liquor to the public and including the accessory sale of food. A business license for Cannabis Retail Sales can not be combined with any other classification.

2601 Licensed Liquor Establishment/Liquor Sales

2602 Licensed Cannabis Retail Sales

**2700 MANUFACTURING**

All products, processes and plants; from unfinished or raw materials.

2701 Manufacturing

**2800 MEDIA SERVICE**

Media-oriented service, including but not limited to newspaper publishers, broadcasting stations, telecommunications, and internet.

2801 Media Service

**2900 MOBILE HOME MANUFACTURING/SALES**

Dealer for new and used mobile home sales from commercial premises or a listing agency for used mobile homes located on private premises.

2901 Mobile Home Manufacturing/Sales

**3000 MOBILE VENDOR**

A person carrying on the business of selling goods from a vehicle parked on private property at a location permitted for such commercial use under the District of Barriere Zoning Bylaw.

3001 Mobile Vendor

**3200 NURSING HOME/PRIVATE HOSPITAL/HEALTHCARE AID**

Persons caring in a volunteer capacity for not more than two patients or for patients who are immediate family members, shall not be required to take out or hold a license or pay a fee under this classification.

3201 Licensed Nursing Home/Private Hospital or agency overseeing employees tasked with the care and wellbeing of patients in and out of clinic care on a part or full-time basis.

3202 Independent and licensed healthcare aid hired to care for the health and wellbeing of non-family members on a part-time or full-time basis.

**3300 PARKING LOT**

A person carrying on business of renting or leasing parking in stalls.

3301 Parking Lot

### **3400 PAWNBROKER**

3401 Pawnbroker

### **3500 PROFESSIONAL**

Including but not limited to engineering, veterinarians, accounting, barristers & solicitors, notaries, medical, dental, surveyors, psychologists, real estate appraisers, physiotherapists, naturopathic, architects, chiropractors.

3501 Professional

### **3600 REAL ESTATE AGENT/SALES PERSON AND INSURANCE AGENT/SALESPERSON**

A licensed real estate agent/sales/person or insurance agent/salesperson with or without a storefront or operating as a home-based business. An agent/salesperson based outside of the District of Barriere but operating within the municipal boundary, is required to obtain a valid business license under this classification unless the applicant is a holder of an Inter-Community Business License from a participating community by its relative bylaw.

3601	Real Estate Agent/Salesperson	1 <sup>st</sup> Person
3602	Real Estate Agent/Salesperson	additional person
3603	Insurance Agent/Salesperson	1 <sup>st</sup> Person
3604	Insurance Agent/Salesperson	additional person

### **3700 RECREATION/HEALTH SPA FACILITY**

Recreation facility (indoor/outdoor), bingo hall, health spa, or bowling alley, including but not limited to aerobic fitness studios, bodybuilding gymnasiums, billiard halls, and arcades.

3701 Recreation/Health Spa Facility

### **3800 REPAIR SHOP**

For automobiles, trucks, snowmobiles, motorcycles, recreation vehicles and boats, including but not limited to auto body shop, radiator shop, tire store, brake shop, muffler shop, machine shop, welding shop, and mechanical repair shop.

3801 Repair Shop

### **3900 RETAIL BUSINESS/SECOND STORES**

Retail sales of goods or food products from permanent commercial premises.

3901 Retail Business up to 1000 sq. feet-small  
3902 Retail Business from 1001 to 2001 sq. feet-med.  
3903 Retail Business over 2001 sq. feet-large

### **4000 SCHOOLS/HOME-BASED OR COMMERCIAL SPACE**

Includes driving school, dance, martial arts, craft, and music.

4001 Schools/Home Based or Commercial Space

#### **4100 THEATRES AND MARKET**

Includes drive-in theatres, amusement hall, concert hall, music hall, opera house, rink, amusement park, movie theatre, bingo hall, or other place of amusement, entertainment, or exhibition.

4101 Theatres and Market - daily

4102 Theatres and Market - monthly

4103 Theatres and Market - 3 month

4104 Theatres and Market - 6 month

#### **4200 TRANSPORTATION OF GOODS AND/OR PEOPLE**

Provision of a lawful public or charter transportation service or a moving, delivery or courier service and includes licensed Pilot Car service.

4201 Transportation of Goods and/or People

#### **4300 UNCLASSIFIED**

A person carrying on a business that is not herein classified as determined by the License Inspector.

4301 Unclassified

4302 Unclassified – Seasonal (less than 8 weeks)

#### **4400 VENDING MACHINES**

Operation of a vending machine in one or more locations and includes ATM Machines not owned and operated by the establishment in which the ATM is located.

4401 Vending Machines

1<sup>st</sup> machine

4402 Vending Machines

additional machine

#### **4500 WAREHOUSING**

4501 Warehouse, Storage Warehouse, Bonded Storage

#### **4600 WHOLESALE**

Refers to selling goods in quantity for resale by retail stores or for re-use in the manufacturing or construction process.

4601 Wholesale

District of Barriere

# REPORT TO COUNCIL

## Request for Decision

<b>Date:</b> December 15, 2025	<b>File:</b> 5f
<b>To:</b> Council	<b>From:</b> T. Buchanan, Corporate Officer
<b>Re: DRAFT Business License Regulation Bylaw No. 267</b>	
<b>Recommendation: THAT Council give first three readings to Business License Regulation Bylaw No. 267</b>	

### Purpose

To present *Draft Business License Regulation Bylaw No. 267* for Council's consideration as a replacement for *Business License Regulation Bylaw No. 0041*, which has not been substantively updated since its adoption in 2009. The new bylaw modernizes the District's business licensing framework, consolidates regulation language, and reintroduces a revised *Schedule "A"* containing classification descriptions consistent with the District's *Fees & Charges Bylaw No. 73*.

### Background

*Bylaw No. 0041* has served as the District's business regulation bylaw since 2009; however, it predates many subsequent administrative, legislative, and operational updates. In 2013, the District adopted *Fees & Charges Bylaw No. 73*, which consolidated all District fee schedules into a single bylaw. In that process, *Bylaw No. 0041's* *Schedule "A"* (which contained both classification descriptions and fees) was repealed. This historic fee consolidation resulted in classification descriptions no longer being included in a regulatory bylaw, creating gaps in clarity for applicants, staff, and enforcement processes.

The new *Draft Bylaw No. 267*:

- Fully updates the business licensing regulatory framework.
- Repeals *Bylaw No. 0041* in its entirety.
- Reintroduces *Schedule "A"*, but only for **classification descriptions**—fees remain exclusively in *Fees & Charges Bylaw No. 73*, consistent with modern municipal best practice.
- Aligns definitions, language, and authority sections with current legislation and operational practices.
- Incorporates clearer structure, updated definitions, and improved regulatory clarity.

Staff have also reviewed the classification descriptions and propose several updates to wording for clarity, accuracy, and consistency, which are summarized in the second table of this report.

### Summary

The draft bylaw modernizes language, reorganizes content, strengthens administrative authority, and clearly separates fee schedules from classification descriptions. It provides a more robust, up-to-date administrative framework and supports operational efficiency using best practices.

**Table 1 – Comparison of Key Differences of Proposed & Existing Bylaws incl. Benefits of Changes**

Topic / Section	Bylaw No. 0041 (2009)	Draft Bylaw No. 267	Benefit of Change
<b>Bylaw Structure</b>	Older formatting; limited division structure; definitions and regulations intermixed.	Organized into seven clear divisions with logical flow: Interpretation, Definitions, General Regulations, Business License Regulations, Specific Regulations, Offences, Schedules.	Enhances clarity; improves ease of implementation; supports consistency with other District bylaws.
<b>Definitions</b>	Contains older, sometimes outdated definitions; lacks clarity on several modern business types.	Substantially expanded and modernized definitions (e.g., cannabis sales, food trucks, mobile vendors, inter-community licensing).	Reflects current business environment; clearer interpretation for enforcement and applicants.
<b>Appointment &amp; Authority of Licence Inspector</b>	More limited wording and while notes that the CFO and CAO are the Business license inspectors, is less explicit procedural authority.	Appoints the CFO as the Business License Inspector & the CAO in the CFO's absence. Expanded regulatory tools, clear authority delegations, conditions, inspections, and reconsideration process per Community Charter.	Improves administrative efficiency; aligns with legislative requirements; reduces ambiguity.
<b>Business License Renewal</b>	No renewal deadline imposed.	Renewal deadline of February 15 <sup>th</sup> of each year is imposed.  <i>*Renewal payments are not accepted until the previous year is closed out with the renewal payments included in the new fiscal year as they apply.</i>	Historical practice has included an unwritten deadline of May 1 <sup>st</sup> of each year. This change aligns with basic common practice and provides clarity for Financial Administration.
<b>Submission of Additional Documentation</b>	Did not clearly indicate what documents may be required to provide to the License Inspector	Clearly states the documents that may be required by the License Inspector including proof of insurance and fire inspection. S.412(b) points to the Fire Bylaw & Fire Inspection Policy which is in the process of being amended. Details of this requirement will be described in more detail within those regulatory documents.  Formally outlines current policy practice of the initial annual fee being included in the Business License Fee with subsequent inspections resulting in a fee as prescribed in the Fees & Charges Bylaw.	Fire Inspections of commercial and industrial spaces are especially important to reduce the risk to the public and fire fighting personnel.

<b>Amusement Park/Circus/Rodeo</b>	No additional regulations for high risk activity on Municipal Property	<p>S.509 outlines an additional requirement for proof of comprehensive liability insurance and include clauses that hold the District harmless, name the District as an additional insured and sets minimum insurance amount.</p> <p>S. 510(b) Requires a \$5,000 security deposit to ensure adequate clean-up and premises restoration.</p>	Reduces the District's liability for the high-risk activity of amusement parks, circuses, carnivals and rodeos held on public property.
<b>Schedule "A" – Classifications</b>	Previously included fee schedule and classification descriptions; repealed when Fees & Charges Bylaw adopted.	Reintroduces Schedule "A" with classification descriptions only—fees remain in Bylaw 73.	Restores clarity on classification definitions without duplicating fee information; simplifies administration.
<b>Mobile Vendor Regulations</b>	Limited references; no detailed criteria.	<p>Extensive regulations for mobile food vendors, mobile concessions, and vendors on District property.</p> <p>S. 501 includes regulations for art vendors conducting business on public property.</p> <p>S. 503 outlines an additional requirement for proof of comprehensive liability insurance and include clauses that hold the District harmless, name the District as an additional insured and sets minimum insurance amount.</p>	<p>Supports public safety, consistent expectations, and operational fairness; reflects modern business types.</p> <p>Reduces District's liability for this classification's business carried out on public property.</p>
<b>Enforcement / Offences</b>	General offence section with limited specificity.	Updated penalties, offences, and authority language consistent with Community Charter and Bylaw Notice Enforcement Bylaw No. 95.	Strengthens enforceability and legal clarity.
<b>Repeal Clause</b>	Not applicable (original bylaw).	Explicitly repeals Bylaw No. 0041 upon adoption.	Ensures clean legislative transition.

Many of the proposed, regulations in this draft do not apply to any business classification currently operating within the District of Barriere. Rather, they are pro-actively included should such a business classification look to establish themselves in the Municipality in the future.



## **Summary of Proposed Changes to Classification Descriptions (Draft Schedule “A”)**

Staff have reviewed the classification descriptions and prepared updated wording for clarity, accuracy, and alignment with current business practices. The following table summarizes the classification descriptions that show proposed changes (based on the highlighted revisions in the attached Schedule “A” document):

**Table 2 – Classification Description Updates in Draft Schedule ‘A’**

<b>Code</b>	<b>Previous Description</b>	<b>Updated Draft Description</b>	<b>Rationale / Benefit</b>
<b>3201 (Nursing Home / Private Hospital)</b>	More general description of care providers.	Expanded to include agencies overseeing employees providing in-clinic and out-of-clinic care.	Clarifies applicability; aligns with actual business operations.
<b>2101/2102/2103 (Food Vendors)</b>	Definitions focused mostly on vending structure.	Updated to clearly differentiate motorized vs. non-motorized units and specify when roadside vending is permitted.	Provides regulatory clarity.
<b>2600 (Licensed Liquor Establishment / Cannabis)</b>	Previous bylaw contained no cannabis classification (pre-legislation)	Cannabis retail added distinctly and cannot be combined with other classifications.  <i>*Fees &amp; Charges Bylaw has already been amended to include this classification and related fee.</i>	Ensures legislative compliance; provides clarity for applicants and staff.
<b>3600 (Real Estate / Insurance Agents)</b>	Did not clearly distinguish first vs. additional persons or inter-community licensing interaction.	Updated descriptions now specific applicability, storefront vs. home-based, and inter-community license exemptions.	Eliminates historical confusion; aligns fees with Bylaw No. 73.
<b>4200 (Transportation of Goods and/or People)</b>	Did not include Pilot Car Service	Now includes licensed Pilot Car Service providers based out of Barriere.	Previously this service would have been classified as “Unclassified”.
<b>4400 (Vending Machines)</b>	Did not include ATM Machines.	Independent businesses that lease/rent space for the placement of an ATM Machine(s) in other commercial establishments are a separate business endeavor than the establishment in which it is placed and, for all intents and purposes is a vending machine – for cash instead of food & beverages.	Ensures fairness by applying this definition to ATM Machines along with other similarly operated machines of independent businesses.

## Benefits or Impact

### General

- Provides a modern, clear, and enforceable business licensing framework.
- Reduces administrative inefficiencies and improves clarity for applicants.
- Better aligns with contemporary business models and legislative requirements.

### Finances

- No new fees are introduced; all fees remain governed by *Fees & Charges Bylaw No. 73* which has recently been amended to include a 5% fee increase as of February 26, 2024.
- Improved classification clarity supports accurate fee assessment and compliance.

### Strategic Impact

Priority #4 – General Governance and Community Engagement – Review and Update Bylaws & Policies.

### Risk Assessment

*Compliance:* Draft Bylaw No. 267 enhances alignment with S.8(6), 15, & Div. 9, Part 3 of the *Community Charter*, District operational procedures, and other regulatory bylaws, thereby reducing compliance gaps.

*Risk Impact:* If not updated, the District risks ambiguity in enforcement, inconsistent application of regulations, and reliance on an outdated regulatory framework.

*Internal Control Process:* Adoption will ensure consistent application of business licensing standards and clear administrative authority.

### Next Steps / Communication

- If Council gives first three readings, staff will schedule the bylaw for adoption at a subsequent meeting.
  - Staff will update the District website and business license materials upon adoption.
  - Communication will be provided to all licensed businesses regarding the updated bylaw framework.
- 

## Attachments

- Draft Bylaw No. 267 – Business License Regulation
- Draft Schedule “A” – Business Classification Descriptions
- Bylaw No. 0041 (2009)

## Recommendation

**THAT Council give first three readings to Business License Regulation Bylaw No. 267.**

## Alternative Options

1. Council could choose not proceed with the first three readings at this time.
2. Council could choose to request amendments to Draft Bylaw No. 267 prior during the reading process.

Prepared by: T. Buchanan, Corporate Officer

Reviewed by: D. Drexler, Chief Administrative Officer

K. Abel, Chief Financial Officer

**DISTRICT OF BARRIERE**  
**BYLAW NO. 0041**  
**AMENDED BY BYLAW NO. 0059, NO. 73 and No. 130**

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**A Bylaw to Regulate and License Businesses**

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**Complied for convenience purposes only**

**WHEREAS** the Community Charter permits a Council to provide for a system of licenses, permits or approvals;

**AND WHEREAS** Council of the District of Barriere deems it necessary to authorize and regulate the issuance of and the levying and collecting of license fees in respect to the trades, occupations, professions and businesses hereinafter set forth;

**NOW THEREFORE** the Council of the District of Barriere in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “District of Barriere Business License Bylaw No. 0041, 2009.”
2. This Bylaw applies to the whole of the area within the boundaries of the District of Barriere as may be amended from time to time.
3. This Bylaw comes into force and takes effect on the day of its final adoption by the Council of the District of Barriere.
4. This Bylaw is divided into the following parts:

**PART 1        -        DEFINITIONS**

**PART 2        -        LICENSE REGULATIONS**

**PART 3        -        LICENSE SUSPENSION AND APPEALS**

**PART 4        -        BUSINESS REGULATIONS**

**PART 5        -        ENFORCEMENT**

**PART 1 – DEFINITIONS**

**“ACCESSORY RESTAURANT”** means a restaurant which is subordinate or accessory to and is located in the same premises as the principal business.

**“APPLICANT”** means any person who makes application for a business license pursuant to this bylaw.

**“ARCADE”** means premises into which the public is invited for the purposes of using amusement machines, but does not include a premises containing six (6) or less amusement machines.

**“BEER AND WINE STORE”** means a retail trade store that primarily sells beer and wine products for consumption off the premises.

**“BUILDING INSPECTOR”** means the Building Inspector for the District of Barriere or a duly authorized representative.

**“BUSINESS”** means the carrying on of a commercial or industrial undertaking of any kind or the providing of professional, personal or other services for the purpose of receiving income or revenue, but does not include an activity carried on by a Municipal, Provincial or Federal Government, or Crown Corporation.

**“CABARET AND NIGHTCLUB”** means an establishment where a full range of liquor products are sold for consumption on the premises and where a dance floor and entertainment is provided.

**“CORPORATE OFFICER”** means the person appointed by District Council from time to time.

**“COUNCIL”** means the Council of the District of Barriere.

**“FAMILY DAY CARE”** means a facility which provides day care services to not more than seven (7) children, and which is licensed by the Community Care Facility Act for family day care facilities.

**“FIRE CHIEF”** means any person appointed from time to time as Fire Chief for the District and includes any person acting lawfully in that capacity.

**“FLOOR AREA”** means that area within a building that is used for display purposes or to service customers, but shall not include those areas set aside exclusively for the storage of supplies or for the use of the employees of the business.

**“GROUND AREA”** means the total ground area used for the carrying on of the business. Where more than one business is carried on from a single lot or ground area, the ground area for each business shall be as determined by the License Inspector.

**“HOME BASED BUSINESS”** means an occupation or profession carried on by an occupant of a residence, for consideration, which is clearly incidental and accessory to the use of the property for residential purposes.

**“HOTEL PUB”** means an establishment located within a hotel, where liquor products are sold for consumption on the premises and where entertainment may be provided.

**“LICENSE INSPECTOR”** means the person appointed from time to time by the Council as License Inspector of the District of Barriere and includes any person lawfully acting in that capacity including the Chief Administrative Officer (CAO) and the Financial Officer.

**“LICENSE”** means a license issued under this Bylaw.

**“LOUNGE”** means an establishment where liquor products are sold for consumption on the premises and where entertainment except a dance floor may be provided.

**“NEIGHBOURHOOD PUB”** means an establishment where liquor products are sold for consumption on the premises only.

**“NON-RESIDENT BUSINESS”** means a business, other than a resident business, carried on within the Municipality or with respect to which any work or service is performed within the Municipality.

**“PERSON”** means a natural person, his heirs, executors, administrators or assigns and shall also include a firm or corporation.

**“RESIDENT BUSINESS”** means a business carried on, in, or from premises within the Municipality.

## **PART 2 – LICENSE REGULATIONS**

### **2.1 LICENSE REQUIRED**

No person shall carry on a business within the District without having obtained a valid business license.

### **2.2 FORM OF LICENSE**

Every license granted pursuant to this Bylaw shall state that the holder is licensed to carry on the business stipulated therein in a lawful manner for the period specified at the place therein stated.

### **2.3 DISPLAY OF LICENSE**

Licenses shall be permanently displayed at all times in the business area of the premises to which the public has access.

### **2.4 TERM OF LICENSE**

- a) Except as otherwise provided, every license issued pursuant to this Bylaw shall terminate on the 31<sup>st</sup> day of December of the year in which it was issued.
- b) The license fees for new businesses starting after the first quarter (March 1<sup>st</sup>), second (June 1<sup>st</sup>) and third (September 1<sup>st</sup>) quarter periods of the licensing year may be prorated accordingly with a minimum fee of Fifty (\$50.00) Dollars. Prorating shall not apply to

existing businesses which obtain temporary licenses pursuant to Section 2.8(a), nor shall it apply to businesses for which a license was required within three (3) years previous to the new application.

- c) Subject to Section 2.4(b) no proportionate reduction shall be made on account of any person commencing or ceasing to do business at a particular time, in any one year.
- d) The period for a license in respect of a theatre, concert-hall, amusement park, or other place of amusement, entertainment, or exhibition may be one year, six months, three months one month or one day.

## **2.5 LICENSE FEES**

- a) No license shall be issued until the fee therefore as set out in *Fees & Charges Bylaw No. 73* as amended.
- b) Except as otherwise provided, the minimum fee prescribed under this Bylaw shall be Seventy-five (\$75.00) Dollars.
- c) The maximum fee prescribed under this Bylaw shall not exceed One Thousand (\$1,000.00) Dollars.

## **2.6 APPLICATION**

- a) Every person applying for a license or a transfer of license shall complete an application form obtained from the District. Applications may be signed by the owner or his duly authorized representative.
- b) Any person making an application for a license shall give true and correct details for the business that the license is being applied for, on the application form supplied by the License Inspector. Any false declaration or concealment of material facts shall be deemed an infraction of this Bylaw and shall be liable to the penalties set forth in Section 5.3.

## **2.7 SEPARATE LICENSE**

- a) Where a business is carried on in or from more than one premises in the District, the business carried on in or from each premises shall be deemed to be a separate business and shall require a separate license except as provided in Section 2.8(a)
- b) Where there is more than one separate and distinct business category located within the same premises, each business category shall have a separate license.

## **2.8 TEMPORARY LICENSES**

- a) Where an existing business is carried on from a fixed commercial premises in the District and the business wishes to carry on for a temporary period of time from a separate fixed commercial premises, the following fee schedule shall apply:
  - 7 consecutive days - \$50.00
  - 15 consecutive days - \$85.00
- b) Where a resident business is not carried on continuously in the District for at least six months, the business shall pay twice the fee normally required for businesses of the same classification.

## **2.9 CHANGE OF LOCATION, NAME OR OWNERSHIP**

Business licenses are not transferrable and no change of location, name or ownership shall be allowed without the licensee completing a new application for a business license, submitting an administrative fee in the amount of Thirty-five (\$35.00) Dollars and being issued a new business license.

## **2.10 LOCATION OF BUSINESS**

All premises upon or in which the applicant for license proposes to carry on or conduct any business shall, before any such license is granted, first be approved by the License Inspector who may, in his discretion, also require such premises to be approved by the Medical-Health Inspector, the Commissioner's Inspector, the Building Inspector or any other official of a Provincial or Municipal Department involved or all of the above. Where any Federal/Provincial Act or Regulation or any other District Bylaw applies to any matter covered by this Bylaw, the issuance of a business license under the provisions of this Bylaw shall not relieve the licensee from complying with the provisions of such other enactments.

## **2.11 NOTIFICATION OF BUSINESS CHANGE**

Every holder of a license shall notify the License Inspector of any change in the mailing and/or the business address, the business practice, the floor area of the premises, the number of people, rental units, games machines or vehicles used in the operation of the business, or any alteration to the premises in which the business is carried out.

Upon the termination of the business by the license holder, the licensee shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector.

## **PART 3 – LICENSE SUSPENSION AND APPEALS**

### **3.1 AUTHORITY TO SUSPEND**

The License Inspector may suspend any license for such period as he may determine if the holder of the license:

- a) is convicted of an offence indictable in Canada;
- b) is convicted of any offence under any Municipal Bylaw or Statute of the Province of British Columbia in respect of the business for which he is licensed or with respect to the premises named in his license;
- c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his license as to warrant the suspension of his license;
- 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; and
- 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.

### **3.2 NOTICE OF SUSPENSION**

- a) Where a license has been suspended pursuant to the Municipal Act, a "Notice of Suspension" shall be issued to the licensee by the License Inspector, in writing, outlining the reasons for the suspension and shall be served on the licensee or delivered to the licensee by registered mail to the address of the business shown on the business license application.
- b) A "Notice of Suspension" of a license may be posted by the License Inspector upon the premises for which the license was issued and such notice shall not be removed until the license is reinstated, the former licensee ceases to occupy the premises or a new business other than the one carried on by the licensee is started in the premises.

### **3.3 RIGHT TO APPEAL SUSPENSION**

Any person whose license has been suspended, or who has been refused a license, or who wishes to appeal the classification as given by the License Inspector, may appeal to Council by giving written notice to the Corporate Administrator of their intention to appeal. Such appeal shall state the grounds upon which the appeal is made. Council shall appoint a time and a place for the hearing of the appeal and may confirm or set



aside such decisions made by the License Inspector as it may deem appropriate.

### **3.4 REVOCATION**

- a) Council may revoke a license pursuant to the Municipal Act for “reasonable cause” after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- b) The notice and opportunity to be heard referred to in sub-section a) of this section is not required in respect to the licensee who by reasonable efforts cannot be found.
- c) A “Notice of Revocation” may be posted by the License Inspector upon the premises for which the license was issued and such notice shall not be removed until the license is reinstated, the former licensee ceases to occupy the premises, or a new business other than the one carried on by the licensee is started in the premises.

### **3.5 NOTICE OF HEARING**

A Notice of Hearing to revoke a license under Section 3.4 or after a refusal by the License Inspector to issue a license or to consider the granting of a license shall be made in writing, outlining the time, date, and place of the hearing and the reasons for Council’s consideration of a request to revoke or refuse the license and served on the licensee(s) or delivered to the licensee(s) by registered mail to the address shown on the application for the license.

## **PART 4 – BUSINESS REGULATIONS**

### **4.1 HOME-BASED BUSINESS**

- a) Every person operating a Home-Based Business that is not included in the Handicrafts and Arts classification of Schedule “A” hereto, shall be licensed under the classification which reflects the nature of the business.

### **4.2 MOBILE VENDORS/SOLICITATION**

- a) No person shall carry on any business from or on any street or sidewalk in the District, except in accordance with the Regulation and Control of Sidewalk Vendors Bylaw.
- b) Businesses classified as “Mobile Vendor” shall be permitted to offer the sale of goods and food products from private property only with permission of the owner, at a location where such use is permitted under the District of Barriere Zoning Bylaw.
- c) Every person who sells from a vehicle shall provide vehicle registration for the vehicle and personal identification in the form of a driver’s license.

d) The soliciting of sales of any article, commodity or thing, or any agreement for the provision of any service shall require a business license issued under the provisions of this Bylaw.

#### **4.3 CONSTRUCTION CONTRACTORS**

Every person licensed as a General Contractor shall, on the request of the License Inspector, provide a list of all subtrades engaged on each specific project as well as proof of mandatory trade qualification certificates for the following subtrades:

- a) Plumbing, steam fitting, pipe fitting
- b) Refrigeration
- c) Electrical
- d) Gas fitting

#### **4.4 INSURANCE AND SAFETY STANDARDS**

a) A person applying for a license to hold a carnival may be required by the License Inspector to obtain and maintain comprehensive general liability insurance of an amount not less than Three Million (\$3,000,000.00) Dollars.

The District shall be included as an additional insured.

The Licensees shall hold the District harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of the business. The licensees' insurer must recognize the existence of the hold harmless clause.

Proof of such insurance to the satisfaction of the District shall be submitted to the License Inspector prior to the issuance of a license.

b) Proof that all machines, rides and equipment to be used by the public at any carnival conform to the safety standards of the provincial authority having jurisdiction may be required by the License Inspector before a license is issued, or at any time during the term of the license.

#### **4.5 SECONDHAND SALES**

Persons carrying on the business of retail sales of secondhand goods shall comply with provisions of District of Barriere Bylaw to Regulate Persons Dealing in Secondhand Goods. (This does not apply to auto wreckers or sale of scrap metal).

#### **4.6 SECURITY AND PATROL SERVICE**

- a) Every person carrying on the business of watching, guarding or patrolling for the protection of persons or property, or as a private detective shall be required to hold a license as set forth in the Private Investigators Act of the Province of British Columbia.
- b) All applications for security and patrol service shall be forwarded by the License Inspector for approval by the local detachment of the Royal Canadian Mounted Police prior to issuance of the business license.

### **PART 5 – ENFORCEMENT**

#### **5.1 AUTHORITY TO ENFORCE**

- a) The Council may by Resolution, appoint a person to be the License Inspector, whose duty it shall be to carry out and administer the provisions of this Bylaw and other licensing Bylaws as may be enacted from time to time.
- b) The Council may by Resolution, from time to time, appoint a person or persons as Assistant License Inspector or Inspectors with like duties and powers as delegated to the License Inspector by the provisions of this Bylaw.
- c) It shall be the duty of the License Inspector, and he/she is hereby authorized and empowered to inspect, compel and require that all regulations and provisions prescribed in this Bylaw and other licensing Bylaws as may be enacted from time to time, shall be carried out.
- d) The License Inspector shall make rules and regulations for the internal management of his department.
- e) The License Inspector shall maintain and keep records of all licenses issued.
- f) All such records shall be considered public records and shall be open for inspection at reasonable times to any person having business with the License Inspector. No person shall be entitled to inspect more than one License Application at any one time without paying a search fee of \$25. for each additional license application viewed.

#### **5.2 OFFENSES**

Any person who:

- a) fails to comply with the provisions of this Bylaw, or

- b) tenders a cheque or other negotiable instrument, in full or partial payment of any fee payable hereunder, which is not honoured by the financial institution or bank against which it is issued, or
- c) provides false information with regard to size, location, ownership or legal conformity of the business, or
- d) carries on the business after receiving notice of suspension or after the business license has been revoked, or
- e) carries on business without a Business License,

commits an offence, and each day's continuance of an offence constitutes a new and distinct offence.

## **5.4 PAYMENT OF FINES**

5.4.1 Any person guilty of an infraction of Sections 5.2(a) or 5.2(e) may voluntarily:

- a) within seven (7) days of issuance of the Business License Violation Notice, pay to the District of Barriere the sum of Fifty (\$50.00) Dollars as full satisfaction for each violation;
- b) after a charge has been preferred and before a court appearance date has been set, settle this matter by payment of a voluntary penalty of one Hundred (\$100.00) Dollars to the Clerk of the Provincial Court.

5.4.2 Any person guilty of an infraction of Sections 5.2(b) or 5.2(c) may voluntarily:

- a) within seven (7) days of issuance of the Business License Violation Notice, pay to the District of Barriere the sum of Twenty-Five (\$25.00) Dollars as full satisfaction for each violation;
- b) after a charge has been preferred and before a court appearance date has been set, settle this matter by payment of a voluntary penalty of Fifty (\$50.00) Dollars to the Clerk of the Provincial Court.

5.4.3 Any person guilty of an infraction of Section 5.2(d) may voluntarily:

- a) within seven (7) days of issuance of the of the Business License Violation Notice, pay to the District of Barriere the sum of Seventy-Five (\$75.00) Dollars as full satisfaction for each violation;

- b) after a charge has been preferred and before a court appearance date has been set, settle this matter by payment of a voluntary penalty on One Hundred and Fifty (\$150.00) Dollars to the Clerk of the Provincial Court.

5.4.4 Any person guilty of an infraction not mentioned in Sections 5.4.1, 5.4.2 or 5.4.3 shall be liable on summary conviction to a fine not less than Fifty (\$50.00) Dollars as full satisfaction for each violation.

Any person may voluntarily:

- (a) within seven (7) days of the issuance of the Business License Violation Notice, pay to the District of Barriere the sum of Thirty-Five (\$35.00) Dollars as full satisfaction for each violation;
- (b) after a charge has been preferred and before a court appearance date has been set, settle this matter by payment of a voluntary penalty of Fifty (\$50.00) Dollars to the Clerk of the Provincial Court.

5.4.5 Where a Business License Violation Notice has been issued pursuant to this Bylaw and that person has not paid the voluntary fine, the cost of service of the summons shall be added to the amount of the voluntary fine.

## 5.5 SEVERABILITY

If any provision of this Bylaw is found invalid, such provision is severable and shall not affect the validity of the Bylaw as a whole.

Read a First Time this 16<sup>th</sup> day of November, 2009  
 Read a second time this 16<sup>th</sup> day of November, 2009  
 Read a third time this 16<sup>th</sup> day of November, 2009

**Adopted this 30<sup>TH</sup> day of November, 2009**

ORIGINAL SIGNED BY

\_\_\_\_\_  
 Mayor Mike Fennell

ORIGINAL SIGNED BY

Wayne Vollrath, CAO