



THE CORPORATION OF THE VILLAGE OF FRASER LAKE

BUSINESS LICENSE BY-LAW No. 774, 2016

The Council of the Corporation of the Village of Fraser Lake in open meeting assembled enacts the following:

1. INTERPRETATION

1.1 In this bylaw, unless the context otherwise requires, the following terms shall have the assigned meaning:

- a. Business means carrying on a commercial or industrial activity or undertaking of any kind, or providing professional, personal or other services for the purpose of gain or profit or providing any other services in exchange for money or other considerations but does not include any activity carried out by the federal or provincial governments.
- b. Resident Business means a business carried on in or from premises within the municipality.
- c. Non-Resident Business means a business, other than a resident business carried on in the municipality or with respect to which any work or service is performed in the municipality.
- d. Licence Inspector means the person or persons designated by the Chief Administrative Officer to carry out the administration and enforcement of this bylaw.
- e. Council means the Council of the Corporation of the Village of Fraser Lake.
- f. Village means the municipality of the Corporation of the Village of Fraser Lake.
- g. Premises means a building or part of a building with its appurtenances or grounds
- h. Person means a person, corporation, partnership or other legal entity.
- i. Non-Profit Organization means an organization operated solely by an organization recognized as such by the Societies Act or Canada Not-For-Profit Corporations Act.
- j. Temporary Vendor means any resident business or non-resident business who sells or offers goods, wares, merchandise, or foodstuff that is operating up to a maximum of 21 calendar days (e.g. temporary food carts, non-resident vendors at public events, non-resident contractors working less than 21 days.)
- k. Seasonal Business means any business that by the nature of the business is prevented from operating for more than 21 calendar days but less than 6 months of the year due to seasonal conditions.
- l. Community or Farmer's Market means a group of stalls or booths where farmers and other local vendors sell their products directly to consumers on a temporary or seasonal basis.
- m. Community Events means specifically Canada Day, Bicycle Rodeo, Small Business Fair and Halloween celebrations which are held annually.
- n. Social Media means an internet-mediated tool that allow people to create, share or exchange information, ideas and pictures/videos in virtual communities and networks.

2. GENERAL REGULATIONS

- a. No person shall carry on any business within the Village of Fraser Lake unless that person holds a valid and subsisting licence issued pursuant to this bylaw for the business activity that is being

conducted. A licence that has expired or has been suspended or has been cancelled is not a valid or subsisting licence.

- b. Where a person conducts one business from more than one premises in the Village, only one licence is required.
- c. Where a person carries out multiple businesses in separate premises, each business shall be deemed a separate business and is required to have separate licences.
- d. Where multiple businesses are located within the same premises, each business is required to have a separate licence
- e. Where a premises is rented or leased out and the primary purpose of ownership is renting or leasing the premises; the person, partner or holding company requires a business licence.
- f. Non-profit organizations are required to obtain a Business Licence but no fee shall be charged.
- g. Business licences are not required for religious organizations, registered charities, service clubs and local community organizations offering goods or merchandise for sale to raise funds for local community projects.
- h. All businesses must adhere to all Village of Fraser Lake bylaws and federal or provincial acts and regulations relating to their business operations to obtain a business licence.
- i. A non-resident business that advertises or engages clients located within the Village boundaries, from their place of business using electronic means or social media are not required to obtain a business licence.

3. APPLICATION FOR A LICENCE

- a. An application for a business licence must be made at the Village of Fraser Lake Office on the approved Business Licence application/renewal form. (Schedule A – Business Licence Application)
- b. The applicant must make a true and correct statement on the application form, disclosing the nature of the business to be conducted, the name, address and telephone number of the owner, the applicant and the business and any other relevant information as required in the completion of the Business Licence application/renewal form.
- c. Where a business is governed by a federal or provincial act or regulation, an applicant must provide a copy of current certifications or letter of approval from the governing body before a licence may be issued (e.g. health permits, liquor licences, firearms licences).

4. TEMPORARY VENDOR REGULATIONS

- a. A temporary vendor will be permitted to offer the sale of goods and food products from private property with the written permission of the owner, at a location where such use is permitted under the Village of Fraser Lake zoning bylaw for no longer than 21 calendar days per year.
- b. A temporary vendor may include a non-resident business who has been contracted by a person to complete services within the Village of Fraser Lake and will be completed within 21 calendar days or less.
- c. Any temporary vendor that is operating for more than 21 calendar days in a year will have to apply for a seasonal or full business licence; depending on the nature of the business.
- d. An application for a temporary vendor licence must be made at the Village of Fraser Lake Office on the approved Business Licence application/renewal form.
- e. When Mobile Vendors conduct business on Village owned property, the mobile vendor shall have an agreement with the group sponsoring the event or activity. The organizing group must obtain permission from the Village of Fraser Lake prior to the event before the organizing group can host mobile vendors. Temporary vendors not in possession of a valid Village of Fraser Lake business

licence and wishing to operate at special events are required to attend the Village of Fraser Lake Office and submit an application on the approved Business Licence application/renewal form.

- f. Temporary Vendors present at Community Events are exempt from the requirement of a *temporary vendors permit* as long as the event organizers grant them permission to be at the event. The event organizers are required to provide a list of Temporary Vendors they have invited to be present at the Community Event to the Village of Fraser Lake prior to the event.
- g. If any person or organization wishes to conduct a farmer's market on Village owned property, they must obtain written permission from the Village of Fraser Lake. In their submission to the Village, the applicant must specify the dates and times during which the farmer's market will operate. Following receipt of written permission from the Village, No licence will be required for the farmer's market participants during the authorized dates and time periods.
- h. A mobile vendor shall not do business within thirty (30) meters of other like retail vendors.

5. LICENSE FEES AND LICENSE PERIOD

- a. No licence will be issued or renewed to a person until that person has paid the Village the prescribed fee for the classification of business set out in the current Village of Fraser Lake Fees and Charges bylaw.
- b. Licences fees are based on the type of business being operated. The categories include *Full Annual Licence*, *Temporary Vendor Permit* and *Non-Profit Organization Licence*.
- c. Unless a licence is refused by the Village of Fraser Lake, no licence fee paid under this bylaw will be refunded.
- d. A full annual licence issued pursuant to this bylaw is in effect for a period of twelve (12) months; valid on the first day of January and expiring on the 31st day of December each year.
- e. The licence fee prescribed in Section 5 of this bylaw will be reduced by ½ for any person who becomes liable for a full licence after June 30 of any year; excluding seasonal licences and temporary permits.

6. TRANSFER OF A LICENCE

- a. In the event of a change of ownership of the business for which a licence is issued, the new owner must apply for a new licence.
- b. No person to whom a licence has been issued under this bylaw shall change the location of the premises named on the business licence without making application to the Village of Fraser Lake to transfer the existing licence and having that request granted.
- c. The Village of Fraser Lake may refuse the transfer of a business licence if the operation of the business or new premises does not comply with this and/or other bylaws of the Village.
- d. A person must notify the Village of Fraser Lake when a business no longer requires a licence.

7. REFUSAL OF LICENCE

7.1 The Village of Fraser Lake may refuse an application for a license if:

- a. The premises of the proposed business does not meet the requirements of the Village's bylaws regulating business, land use or fire;
- b. The business is prohibited by another Village of Fraser Lake bylaw or federal or provincial act or regulation;
- c. A license for the same business is currently cancelled or suspended under this bylaw, and the terms for reinstatement have not been met;
- d. The applicant has not provided a copy of current certification, license or letter of approval from the governing Provincial or Federal Agency or body before a license may be issued

8. SUSPENSION OF LICENSE

The Village of Fraser Lake may suspend a license if:

- a. The premises of the business ceases to meet a requirement of the Village's bylaws regarding business, building land use or fire; or
- b. The certificate, license or letter of approval from a governing body has lapsed or been suspended

When the Village of Fraser Lake suspends a license, the Village must issue a notice of suspension in writing. A notice of suspension must:

- a. Give the reason for the license ; and
- b. Provide a list of requirements which must be met in order to have the license reinstated;
- c. Inform the person that the license may be cancelled if the terms in the notice of suspension are not met within the stated time frame;
- d. Inform the person of the right to appeal the suspension and the procedure of the appeal; and
- e. Be signed by the License Inspector or the Chief Administrative Officer.

9. CANCELLATION OF A LICENSE

9.1 The Village of Fraser Lake may cancel a license when a person has been suspended and they do not meet the requirements stated in the notices of suspension within the stated time frame.

9.2 When the Village of Fraser Lake cancels a license, notice must be given to the person in writing. A notice of cancellation must:

- a. Give the reason for the cancellation of the license; and
- b. Inform the person of the right to appeal the cancellation and the procedure for the appeal; and
- c. Be signed by the License Inspector or the Chief Administrative Officer.

9.3 The License Inspector may post a notice of cancellation of a license on the premises for which the license was issued. The notice must not be removed until:

- a. The person ceases to occupy the premises; or
- b. A new license is issued

10. APPEAL

10.1 A person whose license has been suspended or cancelled may appeal the decision of the License Inspector by submitting a notice of intention to appeal. The notice must:

- a. Be made in writing; and
- b. State the grounds upon which the appeal is based; and
- c. Be delivered to the Chief Administrative Officer

10.2 The Chief Administrative Officer, upon receiving the notice of intention to appeal, must:

- a. Refer the matter to Council in order to set up a time and place for a hearing; and
- b. Give reasonable notice to the appellant of the time and date for the hearing

11. LICENSE INSPECTORS:

11.1 The License Inspector may:

- a. Enter any real property or other place at any reasonable time for the purpose of ascertaining whether the regulations and provisions of this bylaw are being complied with;

- b. Issue or transfer a license if satisfied that the person for which application pertains has complied or is in the process of complying with a bylaw or bylaws of the Village regulating, business, building land use or fire;
- c. Renew a license, unless he/she is aware at the time of the renewal that the licensee or premises from which the business is operated is no longer in compliance with such terms or conditions regulating, business, building land use or fire;
- d. Impose terms and conditions in respect to the issuance, transfer, renewal or reinstatement of a license under this bylaw and require the licensee to provide evidence to the satisfaction of the License Inspector of compliance with such terms or conditions;
- e. Suspend or cancel a license for reasonable cause, including where a person:
 - i. Has failed to comply with a term or conditions of a license;
 - ii. The person's premises cease to comply with a bylaw regulating business, building, land use, or fire;
 - iii. Is convicted of an offence under an Act or bylaw in respect to the business for which the license has been issued or with respect the premises named in the license;
 - iv. Is deemed, under the Offence Act to have plead guilty to an offense under a bylaw in respect to the business or with respect to the premises named in the license;
- f. Refuse a license where satisfied that the applicant or premises named in the application are not in compliance with this bylaw.

12. CITATION

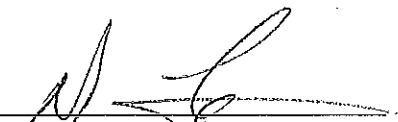
- a. The Corporation of the Village of Fraser Lake Business License Bylaw No. 454, 1994 is hereby repealed.
- b. The Corporation of the Village of Fraser Lake Business License amendment Bylaw No. 471, 1995 is hereby repealed.
- c. This Bylaw may be cited for all purposes as the "Corporation of the Village of Fraser Lake Business License Bylaw No. 774,2016"

READ A FIRST TIME this 13 day of January, 2016

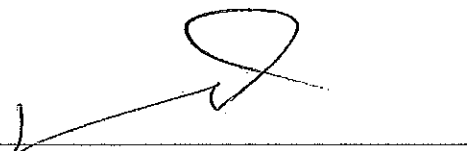
READ A SECOND TIME this 13 day of January 2016

READ A THIRD TIME this 13 day of January 2016

ADOPT this 27 day of January, 2016



Mayor Dwayne Lindstrom



Rodney J. Holland, Chief Administrative Officer

Certified to be a true copy of the "Corporation of the Village of Fraser Lake Business Licence Bylaw No. 774, 2016"

**SCHEDULE A – BUSINESS LICENCE APPLICATION
PART ONE – BUSINESS LICENCE APPLICATION**

Business Name:		
Business Location:	Phone:	
Mailing Address:	Cell Phone:	
Owner/Operator Name:	E-mail:	
<input type="checkbox"/> Full Licence (January-December) <input type="checkbox"/> Seasonal Licence (6 Month Maximum) <input type="checkbox"/> Temporary Vendor (14 Days Maximum- See Below) <input type="checkbox"/> Non-Profit Organization <input type="checkbox"/> Transfer of Existing Licence		
Does your business require permits and certificates from other Government Agencies (e.g. Northern Health) <input type="checkbox"/> Yes <input type="checkbox"/> No Please attach copies with your application		
Does your proposed business conform to the permitted uses in the current Village of Fraser Lake Zoning Bylaw? <input type="checkbox"/> Yes <input type="checkbox"/> No Zone:		
Give a brief description of the operation of your business: _____		
I, _____ hereby acknowledge that I have read this application and affirm that all of the above information is accurate and correct and I agree to comply with all municipal bylaws and provincial statutes in the operation of this business		
_____	_____	_____
<i>Applicant</i>	<i>Position</i>	<i>Date</i>
<input type="checkbox"/> Approval to enrol your business with the Fraser Lake & District Chamber of Commerce (Initials: _____)		

NO BUSINESS SHALL COMMENCE UNTIL THE LICENCE IS ISSUED

PART TWO – TEMPORARY VENDOR

Proposed premises of work:
Proposed dates and hours of work:
Have you received permission from the property owner/event organizer to work on their premises?
<input type="checkbox"/> Yes (please attach agreement) <input type="checkbox"/> No

PART THREE – BUSINESS LICENCE

Licence Fees: Please see Fees and Charges Bylaw for more licence fees. Payment Received: \$ _____ Date: _____
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VERIFICATIONS

Zoning: _____

APPROVALS			Required: Yes or No	
Building Inspector(s)	Richard Wainwright or Jason Berlin	250-692-3195		
Fire Chief	James Cochran	250-699-7783		
Health Inspector	Alicia Parayno	250-567-6182		
Liquor Inspector	Walter McHugh	250-565-6993		
Economic Development Officer	Jolene Webb	250-699-6257		

Approved: _____

Date: _____

INTERPRETATION of a Business from Bylaw #774 of the Village of Fraser Lake: Business – carrying on a commercial or industrial activity or undertaking of any kind, or providing professional, personal or other services for purpose of gain or profit or providing any other services in exchange for money or other considerations but does not included any activity carried out by the federal or provincial governments.

INTERPRETATION of a Temporary Vendor from Bylaw #774 of the Temporary Vendor means any resident business or non-resident business who sells or offers goods, wares, merchandise, or foodstuff that is operating up to a maximum of 21 calendar days (eg temporary food carts, non-resident vendors at public events, non-resident contractors working less than 21 days).