



CITY OF TRAIL

BUSINESS LICENCE BYLAW

NO. 2505, 2002

Comprising a consolidation of the Business Licence Bylaw No. 2505, 2002 and the following amendments thereto:

	<u>Effective Date</u>
Bylaw No. 2682	January 12, 2009
Bylaw No. 2696	January 11, 2010
Bylaw No. 2856	October 22, 2018

THE CITY OF TRAIL

BYLAW NO. 2505

A BYLAW TO IMPOSE FEES AND CHARGES AT THE TRAIL REGIONAL AIRPORT

WHEREAS Council of the City of Trail is authorized, pursuant to Part 20 of the Local Government Act, to issue business licences within the limits of the City of Trail.

NOW, THEREFORE, Council, in open meeting assembled, ENACTS AS FOLLOWS:

1. That this bylaw may be cited for all purposes as the City of Trail “**Business Licence Bylaw No. 2505, 2002.**”

PART I - INTERPRETATION

In this bylaw, unless the context otherwise requires:

- ACT** means the Local Government Act, as amended.
- AGENT** means any person, who, either on his behalf or as agent for another, sells or solicits or takes orders for the sale by retail, of goods, wares, merchandise or services to be supplied by any person not carrying on a resident business within the City.
- BUSINESS** means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.
- CHIEF OF POLICE** shall mean the Chief of Police of the City and shall include any Acting, or Deputy Chief of Police, or the Commanding Officer of the City’s RCMP Detachment.
- CITY** means the City of Trail.
- COUNCIL** means the Council of the City of Trail.
- HOME OCCUPATION** means an occupation or profession carried on for gain or profit, which is clearly incidental and secondary to the use of a dwelling unit for residential purposes.
- LICENCE INSPECTOR** shall mean the person appointed from time to time by Council as Licence Inspector of the City for the purpose of enforcing and carrying out the provisions of this bylaw, and shall include any Acting or Assistant Licence Inspector.
- MOBILE FOOD VENDORS** means a business that is carried out entirely from a motor vehicle or mobile unit that is designed to be or is mobile, including hand push-carts and self-held concession stands. The entire stock of foodstuff offered for sale is actually carried and contained in the motor vehicle or mobile unit. The foodstuffs are offered for sale and are delivered to the purchaser at the time of sale. This does not include a delivery vehicle owned and operated by a licenced retailer or wholesaler within the City.
- MOBILE RETAIL SELLER** means person(s) who use(s) a motor vehicle to go from place to place offering for sale goods, merchandise or foodstuffs at locations permitted by the City’s Zoning Bylaw.
- NON-RESIDENT BUSINESS** means a business other than a resident business, carried on within the City or with respect to which any work or services performed within the City.
- PERSON TO PERSON** in addition to its ordinary meaning shall mean and include a partnership, association, company, society, body corporate, and in the singular shall mean and include the plural, and in the masculine shall mean and include the feminine and reverse.

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RESIDENT BUSINESS means any business carried on, in or from premises within the City.

PART II - ADMINISTRATION

2(1) **GENERAL PROVISIONS**

Subject to Part 20 of the Local Government Act, no person shall carry on, within the City, any business unless he is the holder of a valid and subsisting licence issued to him under this bylaw by the Licence Inspector, and shall have paid in advance therefore to the Licence Inspector, the sum specified in Schedule "A" of this bylaw attached hereto and, it shall be incumbent upon each person to renew such licence prior to the beginning of each licencing period, as long as such business is being carried on.

2(2) **APPLICATION**

The application for a licence for the first time will be in the form prescribed by the Licence Inspector.

2(3) **LICENCE FORM**

The application form must be delivered to the Licence Inspector and must be accompanied by the fee prescribed in Schedule "A".

2(4) **SEPARATE BUSINESSES**

- (a) Where there is more than one separate and distinct business located within the same premise, each business shall be required to have a separate licence, unless otherwise provided for in this bylaw.
- (b) Where a business is carried on in or from more than one premise in the City, the business carried on from or in each premise shall be deemed to be a separate business.

2(5) **DISPLAY OF LICENCE**

The licensee or person in charge or control of the premises where the business for which the licence is issued is carried on, shall at all times keep the licence or licences prominently displayed in the business area of the premises to which the public have access or an area designated by the Licence Inspector.

2(6) **LICENCE FEE**

- (a) No licence shall be issued to an applicant for a business until the fee prescribed for that business or class of business as set out in Schedule "A" has been paid to the City.
- (b) Where a business comprises more than one classification listed in Schedule "A", then a separate fee for each classification shall be payable.
- (c) Unless a licence is refused, no licence fee paid under this bylaw shall be refundable, except if the application for refund is made within 30 days of the issuance of the licence.
- (d) If a person begins to carry on a business after the 31st of July in any year, the licence fee prescribed for that business in Schedule "A" shall be reduced by one-half (1/2).

2(7) **LICENCE PERIOD**

- (a) Subject to the Act, unless otherwise specified in this bylaw, the licence period shall be twelve months and licences shall terminate on the 31st day of December on each year and no proportionate reduction shall be made on account of any person commencing or ceasing to do business at any particular time.
- (b) Seasonal business licences shall be six months and terminate on the 31st day of October in each year and the licence fee is one-half the annual fee.

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- (c) Subject to the Act, the period for a licence in respect of a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park, or other places of amusement, entertainment, or exhibition may be six months, three months, one month or one day, and the period requested shall be written on the application, under the signature of the applicant.
- (d) Subject to the Act, the period for a licence with respect to a circus, horse show, dog or pony show, exhibition or other than itinerant or entertainment, when held elsewhere than in a licenced theatre or a licenced place, shall be one day.
- (e) The period for a licence in respect of horseracing shall be one day.

2(8) **LICENCE CHANGES/TRANSFERS**

- (a) A person shall not change the location of the business for which the licence has been issued, and then carry on that business without first having obtained a transfer of his licence from the Licence Inspector.
- (b) The Licence Inspector shall charge a fee of \$10.00 for each licence transferred.
- (c) A licence transfer may be refused by the Licence Inspector where the premises to which the applicant wishes to transfer the licence do not comply with the requirements of the City bylaws regulating building, zoning, health, sanitation or business.
- (d) A licensee shall notify the Licence Inspector when the licence is no longer required.
- (e) Every licensee shall notify the Licence Inspector, in writing, prior to any:
 - (i) closing of the business;
 - (ii) address change;
 - (iii) ownership/management change;
 - (iv) change in area size of building;
 - (v) change that may affect the fee provided in Schedule "A".

2(9) **LICENCE INSPECTOR AUTHORITY**

- (a) Officers, employees and agents of the City, may enter any building or premise at any reasonable time, in order to ascertain whether the provisions of this bylaw are being complied with, and no person shall obstruct the entrance of such persons into the building or premise.
- (b) Every owner or occupier of any real property in the City shall give to any officer, employee or agent of the City, such access at any reasonable hour to such real property and every part thereof in such information with respect thereto as may be reasonably required to enable the necessary inspections and investigations to be made.
- (c) When the Licence Inspector is satisfied that the applicant has complied with the requirements of the bylaws of the City regulating building, zoning, health, sanitation, and business, he may grant, issue or transfer a licence subject to any other requirements of this bylaw.
- (d) (i) Any person making application for a licence under the provisions of this bylaw shall, at the time of making such application for such licence, make a true and correct statement in writing disclosing the nature and character of such business to be carried on by the applicant, the address of such business, and any other information which the licence inspector may require at the time of application and from time to time during the currency of the licence and any persons failing to do so, or any person guilty of concealing any material fact, which under the provisions of this bylaw should be disclosed as hereinbefore set forth, shall be guilty of an infraction of this bylaw and shall be liable to the penalties hereby imposed;

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- (ii) That Council may refuse to issue a business licence if the applicant for the licence has been investigated, charged or convicted of a criminal offence relating to property, fraud or misleading business practices;
- (iii) Council may refuse to issue a business licence if the applicant for the licence refused to consent to the release of information by the RCMP.

PART III – SUSPENSIONS AND APPEALS

3(1) LICENCE SUSPENSIONS

- (a) The Licence Inspector is hereby authorized to suspend a licence for the period he decides if the holder of the licence:
 - (i) is convicted of an indictable offence in Canada; or
 - (ii) is convicted of an offence under any municipal bylaw or Statute of the Province in respect for which he is licenced or with respect to the premises named in his licence; or
 - (iii) has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect of the business or in with respect to the premises named in his licence that it warrants the suspension of his licence; or
 - (iv) has ceased to meet the lawful requirements to carry on the business for which he is licenced or with respect to the premises named in his licence; or
 - (v) has, in the opinion of the Licence 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.
- (b) The suspension of a licence by the Licence Inspector shall be made in writing, signed by the Licence Inspector and served on the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form for the licence.
- (c) A notice of suspension may be posted by the Licence Inspector upon the premises for which the licence was issued and the notice shall not be removed until the licence is reinstated, or the suspended licensee ceases to occupy the premises, or a new licence is issued for the premises.
- (d) No person shall carry on a business for which the licence required by this bylaw is under suspension.

3(2) APPEALS FROM LICENCE SUSPENSIONS

- (a) Section 661 of the Act gives a right of appeal to the Council to a person whose licence has been suspended by the Licence Inspector.
- (b) A person who appeals to the Council from a suspension by the Licence Inspector shall, within ten (10) days from the date of suspension, give to the Corporate Administrator notice in writing of his intention to appeal.
- (c) The notice of intention to Appeal shall state concisely the grounds upon which the Appeal is based.
- (d) The Corporate Administrator shall refer the matter to Council in order to appoint a time and place for a hearing and then give to the appellant reasonable notice of the time and date.

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3(3) REVOCATION OF A BUSINESS LICENCE

- (a) The Council may revoke a licence for reasonable cause after giving notice to the Licencee and after giving the Licence an opportunity to be heard.
- (b) The notice and opportunity to be heard referred to in subsection (a) is not required for a Licencee who by reasonable efforts cannot be found.
- (c) A notice of revocation of a licence may be posted by the Licence Inspector upon the premises for which the licence was issued and the notice shall not be removed until the formed licencee ceases to occupy the premises, or a new licence is issued for the premises.

3(4) APPEALS FROM REFUSAL OF A LICENCE

A person who has applied for but been denied a licence by the Licence Inspector may appeal to Council.

PART IV - REGULATIONS

4(1) INSURANCE FOR CARNIVALS, ETC.

- (a) Before a business licence will be granted to any person for the purpose of holding or exhibiting any circus, show, carnival, midway or similar attraction using “ferris wheels”, “merry-go-rounds”, and/or other similar mechanical devices or rides in the municipality, such person shall show proof of insurance to the satisfaction of the Licence Inspector, as follows:
 - (i) Comprehensive Public Liability Insurance and Property Damage Insurance providing coverage up to \$2,000,000.00 inclusive against liability for bodily injury or death or damage to property on an all-risk basis.
- (b) If the person has contracted with the City or the Trail Festival Society of the use of City facilities or property for such circus, show, carnival, midway or similar show, in addition to the required insurance policy, under section 4(1)(a) above, such policy of insurance shall have inserted therein a clause naming the City and the Trail Festival Society as additional insured parties and the person shall be required to provide a waiver of subrogation to the satisfaction of the Licence Inspector.

4(2) MAGAZINE SALES

No person shall sell or offer for sale any book, magazine, or periodical, other than a newspaper, on or from any street or sidewalk in the City.

4(3) SALES FROM A VEHICLE

Every person who sells from a vehicle or uses a vehicle for commercial purposes shall have his name and address affixed to a conspicuous place on both sides of the vehicle and shall be subject to the licencing requirements of the Commercial Vehicle Licencing Bylaw.

4(4) DOOR TO DOOR SALES

No person shall sell or solicit business on a door to door basis between the hours of 9:00 pm and 9:00 am.

4(5) BUILDING CONTRACTORS

Every person or contractor shall, on the written request of the Licence Inspector, provide the Licence Inspector with a list of all subtrades engaged on each specific job, on a form prescribed by the Licence Inspector. Failure, neglect, or refusal to submit such a list within two weeks of delivery of such written request shall be an infraction of this bylaw and shall render such person or contractor liable to the penalties imposed.

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4(6) MOBILE FOOD VENDORS

Persons obtaining a business licence to operate a mobile vending service in the City are subject to the following regulations:

- (a) A permit to operate from the Kootenay Boundary Community Health Services Society;
- (b) Any vending cart must be located in such a way as to not interfere with pedestrian or vehicle movement or the safety of the public;
- (c) The area around the vending site must be kept clean and sanitary at all times and is to be cleaned up upon leaving the area;
- (d) No sales shall be permitted within the Memorial Centre;
- (e) No sales are permitted within 30 m (98.4 feet) of a City recreation facility or park without the permission of the concession contractor operating in that facility or park if their concession is in operation;
- (f) No sales are permitted in a City recreation facility or park where there is no concession in operation without the permission of the City;
- (g) No sales shall be permitted directly outside any fast food restaurant business;

4(7) MOBILE RETAIL SELLER

Businesses classified as “mobile retail seller” shall be regulated as follows:

- (a) Shall operate on private property only at a location where such use is permitted under the Zoning Bylaw;
- (b) Shall have a letter of permission from the property owner or representative;
- (c) Shall set up at any particular location for no longer than two (2) consecutive days in each week of operation;
- (d) Shall display to any person enquiring, a copy of a valid business licence issued by the City of Trail; and
- (e) Shall have no portable signs displayed on public property and all signs used shall be commercial in design and shall not obstruct traffic or hinder the line of sight along any adjacent street or sidewalk.

4(8) HOME OCCUPATIONS

Any home occupation must comply with the provisions of the City Zoning Bylaw.

4(9) SIDEWALK SALES

Every person carrying on a resident business within the City wishing to hold a sidewalk sale relating to that business must adhere to the following conditions:

- (a) Operate only in the area directly in front of their licenced business premises;
- (b) The area of operation is to be kept clean and tidy;
- (c) Pedestrian traffic is not to be impeded;
- (d) Proof of extended liability insurance in the amount of \$2,000,000 showing the City as a co-insured party;
- (e) If food products are being sold, ensure the requirements of the Kootenay Boundary Community Health Services Society are being met;
- (f) The operation must not create or cause a fire hazard, electrical interference or traffic congestion on the adjacent street;
- (g) The operation must not create any noise that is disturbing to the surrounding neighbourhood.

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4(10) **TAXIS**

- (a) No person shall within the City drive, operate, or be in care and control of a taxi cab or other motor vehicle which is carrying passengers for hire unless he is a holder of a valid permit issued to him by the Chief of Police;
- (b) Applications for a permit shall be made to the Chief of Police and the applicant shall furnish the Chief of Police with such information and particulars as the Chief of Police may require to satisfy himself as to the fitness of the applicant to be issued the permit.
- (c) The Chief of Police shall have the authority to revoke, suspend or refuse to issue a permit should it be deemed to be in the public's best interest to do so;
- (d) Should the applicant for the holder of a permit have the permit revoked, suspended or his or her application for a permit refused, he/she may, within 10 days of the revocation, suspension or refusal, appeal to Council in writing. Upon hearing the appeal, Council may confirm or set aside the decision to revoke, suspend or refuse to issue the permit.

PART V – PENALTIES

5(1) **GENERAL**

Any person who violates any of the provisions of this bylaw shall, upon summary conviction, be liable to a penalty of not more than two thousand dollars (\$2,000.00).

5(2) **DEFAULT OF PAYMENT**

Any person in default of payment thereof, forthwith, or within such time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act and where conviction is for failure to pay a licence fee required, then the licence fee shall be added to said penalty and shall form part of the penalty.

5(3) **SEPARATE INFRACTIONS**

Any offence under this bylaw which continues for a period of time in excess of one calendar day shall be deemed to be in and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

5(4) **SEVERABILITY**

If any section, subsection, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of Competent Jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

PART VI – REPEAL

6(1) **REPEAL**

The City of Trail Business Licence No. 1907, 1981 and the Chauffeur's Regulation Bylaw No. 1980, and amendments thereto, are hereby repealed.

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READ the **FIRST**, **SECOND** and **THIRD** time this 25th day of March, 2002.

ADOPTED this 8th day of April, 2002.

MAYOR

CORPORATE ADMINISTRATOR

Certified a true copy of
Bylaw No. 2505, 2002.

CORPORATE ADMINISTRATOR

BYLAW 2505**SCHEDULE "A"**

	All businesses except those listed elsewhere in this Schedule	\$90.00
	Amusement Centre/Arcade	\$295.00
	Auto Dealer	\$155.00
	Auto Repair	\$155.00
	Autobody Repair and Paint	\$155.00
	Auto Service Station & Confection	\$155.00
Bylaw 2682	Bank/Credit Union/Loan Company	\$400.00
Bylaw 2682	Cabaret	\$225.00
	Carnival	\$225.00/day
	Gaming Club	\$295.00
	Gravel Pit	\$155.00
	Hotel/Motel	\$5.00 per room plus other applicable licences
	Industrial – Heavy	\$295.00
	Licensed Clubs	\$155.00
	Licensed Restaurants	\$155.00
	Lounge/Beer Parlour	\$155.00
	Lumber Yard	\$155.00
	Manufacturer	\$155.00
	Pool Room/Billiard Hall	\$295.00
	Public Utility Companies	\$295.00
	Retail 0-1999 sq. ft. floor area	\$90.00
	Retail 2000-2999 sq. ft. floor area	\$155.00
	Retail 3000-3999 sq. ft. floor area	\$225.00
	Retail 4000-4999 sq. ft. floor area	\$295.00
	Retail – per each 1000 sq. ft. over 5000 sq. ft.	\$3.00
	Retail (Cannabis) 0-1999 sq. ft. floor area	\$900.00
	Retail (Cannabis) 2000-2999 sq. ft. floor area	\$1550.00
	Retail (Cannabis) 3000-3999 sq. ft. floor area	\$2250.00
	Retail (Cannabis) 4000-4999 sq. ft. floor area	\$2950.00
Bylaw 2856	Retail (Cannabis) – per each 1000 sq. ft. over 5000 sq. ft.	\$30.00
	R. V. Sales &/or Repair	\$155.00
Bylaw 2696	Theatre	\$155.00
	Vending Machine Service	\$295.00