

**DISTRICT OF FORT ST. JAMES**

**BUSINESS LICENCE BYLAW**

**NO. 1000, 2018**

The Council of the District of Fort St. James enacts as follows:

**1. ADMINISTRATIVE PROVISIONS**

1.1 This bylaw may be cited as "Business Licence Bylaw No. 1000, 2018".

1.2 "Business Licence Bylaw No. 869, 2009" as amended, is repealed.

1.3 This bylaw includes:

- a) Schedule "A"
- b) Schedule "B"
- c) Addendum "C"

**2. DEFINITIONS**

In this Bylaw:

2.1 "*Business*" means

- a) carrying on a commercial or industrial activity or undertaking of any kind; or
- b) providing professional, personal or other services for purpose of gain or profit; or
- c) providing any other services in exchange for money or other consideration,

but does not include an activity carried out by the federal or provincial governments, or by agencies of or corporations owned by the federal or provincial governments.

2.2 "*Cannabis*" includes any part of a cannabis plant, its preparations and derivatives, excluding:

- a) a non-viable seed of a cannabis plant;
- b) a mature stalk of a cannabis plant, without any leaf, flower, seed or branch, and fiber derived from such stalks; and
- c) the roots or any part of the root of a cannabis plant.

2.3 "*Cannabis Production Facility*" means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging, and shipping of cannabis used for recreational purposes as permitted and licensed by the Government of Canada

- 2.4 “*Cannabis Retail Store*” means a retail establishment licensed under provincial authority for the sale of recreational cannabis for consumption off-premises.
- 2.5 “*District*” means the District of Fort St. James.
- 2.6 “*Licence*” means a business licence issued pursuant to this bylaw.
- 2.7 “*Licence Inspector*” means the Chief Administrative Officer or a person designated as *Licence Inspector* by the Chief Administrative Officer.
- 2.8 “*Non-resident business*” means a *business*, other than a *resident business*, carried on in the *District* or with respect to which any work or service is performed in the *District*;
- 2.9 “*Person*” means a person, corporation, partnership or other legal entity.
- 2.10 “*Resident business*” means a *business* carried on, in or from a premises or other place located within the *District*.

### **3. BUSINESS LICENCE REQUIRED**

- 3.1 A *person* who actively carries on *business* within the *District*, is deemed to be a *business*.
- 3.2 Except as provided in section 3.3, no *person* shall carry on any *business* within the *District* unless that *person* holds a valid and subsisting *licence* issued pursuant to this bylaw for the *business* carried on. A licence that has expired or has been suspended or has been cancelled is not a valid and subsisting licence.
- 3.3 The following *non-resident businesses* are not required to hold a licence:
- a) a *person* practising a profession governed by a special Act unless that *person* regularly and generally carries on *business* in the *District*;
  - b) a wholesaler, manufacturer or processor who is only in the *business* of delivering product to merchants for resale by them in the ordinary course of their *business*;
  - c) a retailer who only delivers commodities sold by them in the ordinary course of *business* and pick-up commodities being returned or exchanged;
  - d) an owner or operator of a taxi cab who only discharge passengers in the *District* from outside its boundaries; and
  - e) an owner or operator of a carrier, other than a taxi cab, who picks up passengers or chattels in the *District* for discharging or delivery outside the *District* or who discharges or delivers in the *District* passengers or chattels picked up outside the *District*.
- 3.4 Where a *person* carries on *business* from more than one premises in the *District*, each *business* location is deemed to be a separate *business*.
- 3.5 Every *person* issued a *licence* to carry on a *business* shall keep the *licence* posted in a conspicuous place on the *business* premises named in the *licence*.
- 3.6 No *person* shall carry on a *business* at any premises or location other than that specified in that

*person's licence.*

#### **4. LICENCE INSPECTOR**

4.1 The *Licence 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 *licence* if satisfied that the *person* for which application pertains has complied or is in process of complying with a bylaw or bylaws of the *District* regulating business, building, land use, or fire;
- c) renew a *licence*, unless aware at the time of the renewal that the licensee or premises from which the *business* is operated is no longer in compliance with the provisions of this bylaw;
- d) impose terms and conditions in respect to the issuance, transfer, renewal or reinstatement of a *licence* under this bylaw and require the licensee to provide evidence to the satisfaction of the *Licence Inspector* of compliance with such terms or conditions;
- e) suspend or cancel a *licence* for reasonable cause, including where a *person*
  - (i) has failed to comply with a term or condition of a *licence*; or
  - (ii) the *person's* premises cease to comply with a bylaw regulating business, building, land use, or fire; or
  - (iii) is convicted of an offence under an Act or bylaw in respect of the *business* for which the *licence* has been issued or with respect to the premises named in the *licence*, or
  - (iv) is deemed, under the *Offence Act*, to have pleaded guilty to an offence under a bylaw in respect of the *business* or with respect to the premises named in the *licence*;
- (f) refuse a *licence* where satisfied that the applicant or the premises named in the application are not in compliance with this bylaw.

#### **5. APPLICATION FOR A LICENCE**

- 5.1 Council delegates to the *Licence Inspector* the powers of Council to grant licenses under this Bylaw.
- 5.2 An application for a *licence* must be made to the *Licence Inspector* on the application form provided by the *Licence Inspector* for that purpose, and taking the form of Addendum "C" – Business Licence Application.
- 5.3 An applicant must make a true and correct statement on the application form disclosing the nature of the *business* to be carried on, the name, address and telephone number of the owner, the applicant and the *business*, and other relevant information as per Addendum "C".
- 5.4 Where a business is governed by a federal or provincial act or regulation, an applicant must provide a copy of current certification or letter of approval from the governing body before a *licence* may be issued.

#### **6. LICENCE FEES AND LICENCE PERIOD**

- 6.1 No *licence* shall be issued or renewed to a *person* until that *person* has paid to the *District* the

prescribed fee for the classification of *business* set out in Schedule "A".

6.2 Licence fees are based on:

- a) the floor area of the premises; or
- b) for apartment buildings, on the number of rental units;
- c) for hotels or motels, on the number of rooms or suites;
- d) for mobile home parks, on the number of pads;
- e) for carnivals, on the number of days that the carnival is open.

6.3 Subject to any maximum fee prescribed in Schedule "A", where a *business* comprises more than one classification listed in Schedule "A", a *person* must pay a separate fee for each classification.

6.4 Unless a *licence* is refused by the *Licence Inspector*, no licence fee paid under this bylaw will be refunded.

6.5 No pro rata reduction of the licence fee will be made for a *person* who is issued a *licence* after the commencement of the *licence* period.

6.6 A licence issued pursuant to this bylaw is in effect for a period of twelve months, and expires on the 31st day of December of each year.

## **7. TRANSFER OF LICENCE**

7.1 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.

7.2 No *person* to whom a *licence* has been issued under this bylaw shall change the location of the premises named on the *licence* without first making application to the *Licence Inspector* for a new *licence* or transfer of the existing *licence* and being granted it.

7.3 The *Licence Inspector* may refuse the transfer of a *licence* if the operation of the *business* or the new premises does not comply with this and other bylaws of the *District*.

7.4 A *person* must notify the *Licence Inspector* when a *business* no longer requires a *licence*.

## **8. REFUSAL OF A LICENCE**

8.1 Council delegates to the *Licence Inspector* the powers of Council to refuse, suspend or cancel licenses under this Bylaw after having given the licensee written notice of the decision and an opportunity to be heard.

8.2 The *Licence Inspector* may refuse an application for a *licence* if:

- (a) the premises of the proposed *business* does not meet a requirement of the *District's* bylaws regulating business, building, land use, or fire; or
- (b) the *business* is prohibited by another bylaw or act of a senior government; or
- (c) a *licence* for the same *business* is currently cancelled or suspended under this bylaw, and the terms for reinstatement have not been met;
- (d) applicant has not provided a copy of current certification, licence or letter of approval from

the governing body before a *licence* may be issued.

8.2 When the *Licence Inspector* refuses to issue a *licence*, the *Licence Inspector* must

- (a) notify the applicant of the refusal, either verbally or in writing; and
- (b) on request, inform the applicant in writing of the reason or reasons for the refusal.

## 9. SUSPENSION OF A LICENCE

9.1 The *Licence Inspector* may suspend a licence if:

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

9.2 When the *Licence Inspector* suspends a licence, the *Licence Inspector* must issue a notice of suspension in writing and delivered by registered mail to the address given by the person on the application for the licence. A notice of suspension must:

- (a) give the reason for the suspension of the *licence*; and
- (b) provide a list of requirements which must be met in order to have the licence reinstated and a reasonable time frame for compliance;
- (c) inform the person that the licence may be cancelled if the terms of the notice of suspension are not met within the stated time frame;
- (c) inform the *person* of the right to appeal the suspension and the procedure for the appeal; and
- (d) be signed by the *Licence Inspector*.

## 10. CANCELLATION OF A LICENCE

10.1 The *Licence Inspector* may cancel a *licence* when a person whose licence has been suspended does not meet the requirements stated in the notice of suspension within the stated time frame.

10.2 When the *Licence Inspector* cancels a *licence*, notice must be given to the *person* in writing and delivered by registered mail to the address given by the *person* on the application for the *licence*. A notice of cancellation must:

- (a) give the reason for the cancellation of the *licence*; and
- (b) inform the *person* of the right to appeal the cancellation and the procedure for the appeal; and
- (d) be signed by the *Licence Inspector*.

10.3 The *Licence Inspector* may post a notice of cancellation of a *licence* on the premises for which the *licence* was issued. The notice must not be removed until:

- (a) the *person* ceases to occupy the premises; or
- (b) a new *licence* is issued.

**11. APPEAL**

11.1 A *person* whose *licence* has been suspended or cancelled may appeal the decision of the *Licence 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.

11.2 The Chief Administrative Officer, upon receiving a notice of intention to appeal, must

- (a) refer the matter to Council in order to set a time and place for a hearing; and
- (b) give reasonable notice to the appellant of the time and date for the hearing.

**12. OFFENCES AND PENALTIES**

12.1 A *person* who violates any provision of this bylaw will:

- (a) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "B" of this bylaw; or
- (b) upon summary conviction, be liable to pay a penalty of not more than \$5,000.00.

12.2 Where an offence against any provision of this bylaw is of a continuing nature, a separate offence is deemed to occur on each day the offence occurs or continues.

READ A FIRST, SECOND AND THIRD TIME THIS 19th DAY OF SEPTEMBER 2018.

ADOPTED THIS 9<sup>th</sup> DAY OF OCTOBER 2018.

[Original Signed]

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Rob MacDougall, Mayor

[Original Signed]

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Lina Gasser, Corporate Officer

**DISTRICT OF FORT ST. JAMES BUSINESS LICENCE BYLAW****SCHEDULE "A"****CLASSIFICATION AND RATES**

<b>Classification</b>	<b>Rate Per Year (No GST)</b>
Retail Sales, any business not specifically mentioned:	
i)    0-200 square metres	\$100
ii)   201-500 square metres	\$200
iii)  Greater than 500 square metres	\$300
Apartment Building, Hotel or Motel (3 or more units or rooms), or Mobile Home Park:	
i)    Per unit, room or pad	\$10.00
ii)   Minimum Licence fee	\$60.00
iii)  Maximum Licence fee	\$400.00
Commercial Rental:	
i)    Per unit	\$20.00
ii)   Minimum Licence Fee	\$100.00
iii)  Maximum Licence Fee	\$400.00
Bank, Loan Company	\$200.00
Petroleum Station	\$200.00
Liquor Store, Public House	\$200.00
Carnivals per day	\$50.00
Home Occupation, Mobile Vendor, Non-Resident Business	\$50.00
Manufacturer	\$400.00
Farmers Market, Craft Guild	\$100.00
Seasonal Business	50% of applicable classification rate
Cannabis Production Facility	\$1000.00
Cannabis Retail Store	\$750.00

**SCHEDULE "B"**

**FINES**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>OFFENCE</b>	<b>SECTION</b>	<b>FINE</b>
Carry on business without valid and subsisting business licence	3.2	\$100.00
Fail to post licence	3.5	\$50.00
Carry on business at a location other than that named on the licence	3.6	\$100.00
Change location of business without transferring licence	7.2	\$50.00



DISTRICT OF FORT ST. JAMES

## Addendum "C" BUSINESS LICENCE APPLICATION

Date: \_\_\_\_\_

Pursuant to "BUSINESS LICENCE BYLAW NO. 1000, 2018", I apply for a Business Licence to carry on the following business:

Company Name: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Owner or Contact Name: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Web Site URL: \_\_\_\_\_

Area of premises: \_\_\_\_\_ (square metres)

Are you interested in either of the available FREE services?

1 year Chamber of Commerce Membership       Directory listing on District of Fort St. James Website

Love Fort St. James information

Listing Description for business directory (maximum 25 words):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

### OFFICE USE ONLY

Category:

Regular       Homebased       Seasonal       Mobile Vendor

Licence Fee: \$ \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_