

THE CORPORATION OF THE VILLAGE OF NEW DENVER
BYLAW NO. 580

A Bylaw respecting licences for carrying on Business within
the Municipality and for fixing the fees for such licences.

The Council of the Corporation of the Village of New Denver in open meeting assembled, enacts as follows:

1. For the purpose of this Bylaw, unless the context otherwise requires:

"Charter" means the Community Charter;

"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;

"Resident Business" means a business carried on in or from premises within the municipality;

"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;

"Treasurer" means the person from time to time duly appointed as Treasurer for the municipality and also any person lawfully acting in that capacity;

"Licence Inspector" means the person from time to time duly appointed as Licence Inspector for the municipality;

"Municipality" means the Corporation of the Village of New Denver.

2. Subject to Section 59 of the Charter no person shall carry on, with the municipality, any business unless she/he is the holder of a valid licence issued to him/her under this bylaw, and shall pay in advance therefore, to the Treasurer the sum specified in Schedule "A" attached hereto and made part of this bylaw and it shall be incumbent upon each person to renew such licence prior to February 15th of the current licencing period as long as such business is being carried on.
3. The Licence Inspector shall have power to grant, issue or transfer licences as hereinafter provided and subject to the provisions of Section 59 of the Charter.
4. All fees collected under this bylaw shall be paid forthwith to the Treasurer of the municipality who shall deal with the said fees in the manner provided in the Charter.
5.
 - (1) Except as hereinafter provided, licences shall be issued on an annual basis to terminate on the 31st day of December. The annual licence fee may be reduced by one-half in respect of a person who becomes liable to be licenced after the 31st day of July in any year.
 - (2) Subject to Section 59(1)(e) of the Charter 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 place of amusement, entertainment, or exhibition may be six months, three months, one month or one day.
 - (3) Subject to Section 59(1)(d) of the Charter the period for a licence with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be one day.

- (4) The period for a licence in respect of horse racing shall be one day.
6.
 - (1) Every licence granted pursuant to this bylaw shall be in the form of Schedule "B" attached hereto and made part of this bylaw.
 - (2) No person shall carry on business at two or more premises at the same time under one licence.
 - (3) No person shall change his place of business without first obtaining a transfer of his licence in respect thereto and the particulars of such transfer shall be endorsed on the licence by the Licence Inspector.
 - (4) The issuance of a licence shall not be deemed to be a representation by the municipality to the licensee that the business or proposed business complies with any or all applicable bylaws or enactments. The business owner remains responsible for ensuring compliance with all bylaws and enactments.
 - (5) The issuance of every Business Licence shall be accompanied by a Notice in the form of Schedule "C" attached hereto and shall be signed by the Licensee.
7. Subject to the provisions of Section 59(1)(a) of the Charter, any person applying for a licence to carry on a "Resident Business" for the first time with respect to that particular business may be required by the Licence Inspector to give as security to the municipality by way of cash or a bond issued by a Bonding Company of Canada up to, but not exceeding, the amount of Five Hundred Dollars (\$500.00).
8. Subject to the provisions of Section 59(1)(b) of the Act, any person applying for a licence to carry on a "Non-resident Business" may be required by the Licence Inspector to give as security to the municipality by way of cash or a bond issued by a Bonding Company of Canada up to, but not exceeding, the amount of One Thousand Dollars (\$1,000.00).
9. The security referred to in Sections 7 and 8 of this bylaw shall be taken in the name of the municipality and shall be deposited with the Licence Inspector, together with the application for a licence and the prescribed fee.
10. Those businesses as provided under Section 61 of the Charter shall be exempt from licencing requirements.
11. The Licence Inspector shall have the power to suspend licences subject to the provisions of Section 60(5) of the Charter.
12. Every licensee under this bylaw shall permit reasonable access to the Licence Inspector to the premises at which the licenced business is being carried on for the purpose of ensuring that the requirements of this bylaw are being fulfilled.
13. PENALTY
 - 13.1 Any person who violates any provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any provision of this bylaw, shall be guilty of an infraction thereof and upon summary conviction therefore, shall be liable to a fine and penalty not exceeding two thousand dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months.

- 13.2 If any section, sub-section, sentence, clause, sub-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.
14. This bylaw may be cited for all purposes as "Village of New Denver Business Licence Bylaw No. 580, 2004 and shall take effect on January 1, 2005.
15. Bylaw No. 515 cited as "Business Licence Bylaw No. 515,1999" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 14th day of December, 2004.

READ A SECOND TIME this 14th day of December, 2004.

READ A THIRD TIME this 14th day of December, 2004.

RECONSIDERED AND FINALLY ADOPTED this 17th day of December, 2004.

G. L. Wright
MAYOR

Carol Gordon
ADMINISTRATOR

SCHEDULE "A"

BYLAW NO. 580, 2004

All fees are for an annual licence period unless otherwise stated:

1. From any person using, following, practicing, carrying on or exercising within the municipality any trade, business, profession, occupation, calling, employment, or purpose not hereinafter enumerated or who enters into or carries on any contract to perform any work or furnish any materials. ...\$30.00/yr.

2. **Agents**
 - a. From each and every person who either on his own behalf or takes orders for the sale by retail of goods, wares or merchandise to be supplied by any person not doing business in the municipality. ...\$105.00/yr.
or \$15.00/day for a temporary licence
 - b. From each and every person who either on his own behalf or takes orders for the sale by retail of newspapers, periodicals, magazines or books of an educational character whether published in Canada or elsewhere. ...\$105.00/yr.
or \$15.00/day for a temporary licence
 - c. From each and every person who either on his own behalf or as agent for another solicits and takes orders for work or services to be done in the Municipality by a person from outside of the Municipality and surrounding area - provided that the service is currently being provided by a business in the Municipality ...\$105.00/yr.
or \$15.00/day for a temporary licence

3. **Hawkers, Pedlars, Hucksters**

From any person carrying on the business of a hawker, pedlar or huckster ...\$105.00/yr.
or \$15.00/day for a temporary licence

4. **Horse Racing**

From any person who conducts horse racing. \$105.00/day

5. **Apartments, Hotels, Motels, Rooming Houses**
 - a. From any person renting apartments ...\$30.00/yr
 - b. From any person letting or renting or having available for letting or renting rooms ...\$30.00/yr.

Provided that any person having not more than two rooms available for letting shall not be required to take out or hold a licence under this clause.

Bylaw No. 580, 2004
Schedule "A"

6. Mobile Store

From any person carrying on the business of operating a mobile store who goes from place to place or house to house selling or offering for sale, or who vends on any highway, street, lane or public place any goods, wares, merchandise or food stuffs.

...\$105.00/yr.
or \$15.00/day for a temporary
licence

7. Yard Sales

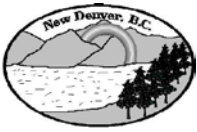
Any person conducting a yard sale for more than two consecutive days or twice or more in a one month period, other than for the purposes of an estate/moving sale, shall be deemed to be carrying on a business and shall be required to obtain a business licence.

...\$30.00/yr.
or \$15.00/day for a temporary
licence

SCHEDULE "B"

BYLAW NO. 580

SCHEDULE B



Corporation Of The Village Of New Denver

LICENSE ISSUED UNDER "TRADE LICENSE ACT"

No.

_____ has paid the
sum of _____ DOLLARS

in respect of a License under item _____ of said act, and is entitled to carry
on the Business, Occupation or Profession set forth therein, namely _____

for the period of _____

from the _____ day of _____ to the _____ day of _____

\$ _____

Collector

Dated this _____ day of _____

VILLAGE OF NEW DENVER BYLAW NO. 580

SCHEDULE 'C'

VILLAGE OF NEW DENVER

BUSINESS LICENCE #

"The issuance of a Business Licence by the Village of New Denver should not be relied upon by the Licensee as a warranty or representation by the Village of New Denver that the lands on which the business are to operate are suitably zoned for the business and all aspects of the business operation.

It is the responsibility of the holder of a Business Licence to ensure that the business, and all activities carried on in connection with the business on the premises for which the licence has been issued conform to the land use bylaw of the Village of New Denver and all other applicable bylaws."

Licensee