

CITY OF FORT ST. JOHN
BYLAW NO. 2563, 2021
BUSINESS LICENCE BYLAW

WHEREAS, Council may, pursuant to the *Community Charter*, regulate in relation to business;

AND WHEREAS, pursuant to the *Community Charter*, Council may provide that terms and conditions be imposed for obtaining, continuing to hold, or renewing a business licence permit, or approval and specify the nature of the terms and conditions and who may impose them;

AND WHEREAS, pursuant to the *Community Charter*, Council may delegate its powers and functions to an officer or employee of the City, which delegation may under the *Community Charter* include the authority to suspend or cancel a business licence;

NOW THEREFORE, pursuant to the above-recited and other authority, the Council of the City of Fort St. John, in open meeting assembled, enacts as follows:

SECTION 1 – TITLE

1.1 This Bylaw may be cited as “City of Fort St. John Business Licence Bylaw No. 2563, 2021.”

SECTION 2 – REPEAL

2.1 The following Bylaw(s) are hereby repealed as of December 31, 2022:

- (a) City of Fort St. John Business Licence Bylaw No. 2372, 2017;
- (b) City of Fort St. John Business Licence Amendment Bylaw No. 2411, 2018; and
- (c) City of Fort St. John Business Licence Amendment Bylaw No. 2562, 2021.

SECTION 3 – DEFINITIONS

3.1 The following words and phrases shall have the following meanings:

“applicant” means any person who makes application for a *business licence* under the provisions of this *Bylaw*.

SECTION 3 – DEFINITIONS (continued)

3.1 The following words and phrases shall have the following meanings:

“Bed and Breakfast” means a *Bed and Breakfast* as defined in the *City’s Zoning Bylaw*.

“Business” means carrying on a commercial or industrial activity or undertaking of any kind including professional, personal or other services for gain or for profit, but does not include any activity carried on by *Government*.

“Business Licence” means a valid and subsisting *business licence* issued in accordance with this *Bylaw*.

“Bylaw” means this *Bylaw*, including all schedules attached hereto.

“Bylaw Enforcement Officer” means a person or persons appointed by *Council* from time to time to enforce the regulatory bylaws of the municipality.

“City” means the City of Fort St. John.

“Council” means the *Council* of the City of Fort St. John.

“Director of Planning and Engineering” means the *Director of Planning and Engineering* for the *City*, or their designate.

“Employee” means an *employee* of a *business* as of the first *business* day in January of each year.

“Food Truck” means the *business* of operating a motor vehicle equipped for preparation of foods and beverages and from which the foods and beverages are made in the truck and offered for sale directly to the public, but does not include a motor vehicle which offers for sale primarily pre-packaged or pre-prepared foods and beverages.

“Government” means Municipal, Provincial, and Federal levels of *Government*, as well as Crown Corporations and agencies owned by said *Government*.

“Home Occupation – Business” means a *Home Occupation – Business* as defined in the *City’s Zoning Bylaw*.

“Home Occupation – Office” means a *Home Occupation – Office* as defined in the *City’s Zoning Bylaw*.

SECTION 3 – DEFINITIONS (continued)

3.1 The following words and phrases shall have the following meanings:

“Inter-Community Business” means a *business* that performs a service or activity within more than one Participating *Government(s)* by moving from client to client rather than having clients come to them. This does not include *businesses* identified in Schedule ‘A’ of the Inter-Community Business Licence Bylaw No. 2371, 2017.

“Licencee” means a person who holds a *business licence*.

“Licence Inspector” means the *Director of Planning and Engineering* or their designate.

“Markets” means the *business* of providing for rent stalls, tables, or spaces to merchants displaying for sale, offering for sale, and selling goods to the public.

“Mobile Vendor” means a person, who is engaged in the *business* of selling direct to the public by setting up a *temporary business* on property in order to expose samples, take orders, or offer for sale goods, wares, or merchandise of any kind.

“Non-Resident Business” means a *business* which operates in whole or in part, within the *City’s* limits, but which does not maintain a permanent Premises within the *City* limits.

“North American Industry Classification” means (NAICS) an industry classification system developed by the statistical agencies of Canada, Mexico, and the United States to define industrial (employment) classifications established and collected for all sectors of the economy.

“Premises” means a *building* or portion of a building or area of land where business is conducted.

“Registered Non-Profit Business” means an organization or society which is defined as a registered charity under the Income Tax Act with an active registration number.

“Resident Business” means a *business* which maintains a permanent *Premises* within the *City* limits

“Secondary Suite” means a *Secondary Suite* as defined in the *City’s Zoning Bylaw*.

“Temporary Business” means a *business* that is licenced to operate in the *City* for no greater than 28 consecutive days.

SECTION 3 – DEFINITIONS (continued)

3.1 The following words and phrases shall have the following meanings:

“Zoning Bylaw” means the *City’s Zoning Bylaw*.

SECTION 4 – GENERAL INTERPRETATION

4.1 All references to statutes, regulations, bylaws, orders, policies or guidelines of a Federal, Provincial, Municipal or other governmental authority is a reference to such statute, regulation, bylaw, order, policy or guideline as amended or replaced from time to time.

The schedules to this *Bylaw* are attached to and form an integral part of this *Bylaw*.

SECTION 5 – GENERAL REGULATIONS

5.1 No person shall carry on a *business* for which a *licence* is required by this Bylaw within the City without holding a valid and subsisting *business licence* or *Inter-Community Business Licence* for that *business*.

5.2 Every person who carries on a *business* from more than one premises in the *City* shall obtain a separate *business licence* for each *premises*, whether or not the *premises* are located in the same building.

5.3 Every person who holds a *business licence* shall renew that *business licence* annually for so long as that person carries on a *business* within the City limits. The *business licence* period shall be one (1) year to commence on the 1st day of January and to terminate on the 31st day of December in each and every year. If a *business licence* is issued after the 1st day of January, such *licence* will be valid for the remaining portion of the calendar year from issuance of such *licence* to the 31st of December of the same year.

5.4 The *business licence* fees described in this Bylaw may be reduced pro-rata in accordance with Schedule ‘A’ in respect of any person who becomes liable to be licenced after the commencement of a *business licence* period.

5.5 The *Licence Inspector* may grant a *business licence* upon receipt of a completed, signed application form and payment of the applicable fee(s), as set out in Schedule ‘A’ to this *Bylaw*, and upon being satisfied that the applicant has complied with all applicable bylaws of the *City* regulating building, zoning, health, sanitation, signage, and *business*.

SECTION 5 – GENERAL REGULATIONS (continued)

- 5.6 Every holder of a *business licence* shall comply at all times with every *City* bylaw or enactment of the Province or Canada or other governmental authority in respect to the business and the business premises named in the *business licence*.
- 5.7 Application and fees for *Inter-Community Business Licences* shall be determined by the Inter-Community Business Licence Bylaw No. 2371, 2017.
- 5.8 Records of all *business licences* issued shall be maintained and updated annually by the *Licence Inspector*.
- 5.8.1 All such records shall be considered public and may be viewed under the provisions of the Freedom of Information and Protection of Privacy Act.
- 5.9 The following *businesses* are exempt from the requirement of obtaining a *business licence*:
- (a) Markets: A *business licence* is not required of any person who rents a stall, table, or space in a *licensed* market and operates within the market hours of operation, except where such person sells tobacco cannabis, or liquor products.
- 5.10 Every person who carries on a *business* for which a *business licence* is required by this *Bylaw* within the *City* shall post their *business licence* in a conspicuous and visible location.

SECTION 6 – BUSINESS APPLICATION PROCESS

Approval

- 6.1 Approval shall be conditional upon the receipt of:
- (a) A fully completed application form;
- (b) Payment of all applicable fees;
- (c) Approvals from any other *Government* agencies as applicable;
- (d) The completion of all applicable inspections; and
- (e) The *applicant's* declaration of compliance of land use/*business* activities with zoning requirements.
- 6.2 Upon *business licence* approval, the *Licence Inspector* approves the issuance of a *business licence*, such approval shall be granted in writing with or without conditions in the form of a *business licence*.

SECTION 6 – BUSINESS APPLICATION PROCESS (continued)

Approval

- 6.3 A *business licence* authorizes only the *business* named in the *licence* to carry on the *business* described in the *licence*, and only at the premises described in the *business licence*.
- 6.4 A *business licence* is not a representation or warranty that the *business* or the *business* premises comply with the *bylaws* of the *City* or with any other regulations, standards or enactments.

Refusal and Appeal

- 6.5 Should the *Licence Inspector* refuse issuance of a *business licence* the *applicant* may appeal the decision to Council by submitting a letter of appeal to Legislative Services at 10631 – 100 Street, Fort St. John, BC, V1J 3Z5.
- 6.6 *Council* may refuse to grant the request of an *applicant* for a *business licence* in accordance with the Community Charter, and such decision shall be deemed as final.

Renewal

- 6.7 A *licencee* who proposes to renew a *business licence* shall pay to the *Licence Inspector* the applicable fee(s) set out in Schedule 'A' of this *Bylaw*, prior to the expiry of the *business licence* on December 31st of that year.
- 6.8 If an expired *business licence* is not renewed as required by January 31st of the renewal year, the *business licence* shall then be terminated on February 1st and a *licencee* who wishes to continue to carry on the *business* shall submit a new application form in accordance with this *Bylaw*.

Suspension and Cancellation of a Licence

- 6.9 The *Licence Inspector* may grant a *business licence* under the terms of Section 1.2 of this *Bylaw* and may suspend for such period as determined at the reasonable discretion of the *Licence Inspector*, or cancel any *business licence* if the *licencee* or *business*:
- (a) Has failed to comply with the *Bylaw* or a term or condition of the *business licence*;
 - (b) Is convicted of any offence under any Municipal Bylaw, Statute of the Province or Federal law in respect of the *business* for which they are *licensed* or with respect to the *premises* named in their *business licence*;

SECTION 6 – BUSINESS APPLICATION PROCESS (continued)

Suspension and Cancellation of a Licence

- (c) Has ceased to carry on the *business* for which they are *licensed* or with respect to the *premises* named in the *business licence*;
- (d) Has altered the *premises* without obtaining the appropriate permits and inspections; and
- (e) Has been determined to cause a public safety hazard.

6.10 The suspension or cancellation of a *business licence* by the *Licence Inspector* shall:

- (a) Be made in writing;
- (b) Be signed by the *Licence Inspector*; and
- (c) Be served on the person holding such *business licence* or delivered to the holder of such *business licence* by registered mail to the address given by the *licencee* on the application for the *business licence*.

6.11 A notice of suspension or cancellation of a *business licence* shall be posted by the *Licence Inspector* upon the premises for which the *business licence* was issued and such notice shall not be removed until:

- (a) The *business licence* is reinstated; or
- (b) The former *licencee* ceases to occupy the *premises*.

6.12 If the *Licence Inspector* cancels or suspends a *business licence*, the applicant will be entitled to have *Council* reconsider the *Licence Inspector's* decision, in accordance with the Community Charter.

6.13 *Council* may cancel or suspend a *business licence* for reasonable cause after giving notice to the *licencee* and after giving them an opportunity to be heard, in accordance with the Community Charter.

6.14 A *licencee* may cancel their *business licence* if they cease to operate their *business*. No refund for any fee, pro-rated or otherwise is available.

6.15 Notification of a *business licence* cancellation must be submitted along with the date of closure in writing (letter or email) to the *Licence Inspector*, 30 days prior to the business ceasing operations.

SECTION 6 – BUSINESS APPLICATION PROCESS (continued)

Changes to a Licence And Transfers

6.16 Every *licencee* shall notify the *Licence Inspector* in writing 30 days prior to changes such as:

- (a) Any change in the type, nature or intensity of the *business*;
- (b) Any change in the type or nature of goods or services provided;
- (c) Any change in location; and
- (d) Any change in owner.

6.17 *Business licences* are non-transferrable from one person to another or from one *premises* to another.

6.18 When a *licencee* undertakes activities that are not included in the existing *business licence*, a new *business licence* application must be completed.

Liability Insurance

6.19 The *Licence Inspector* may require a liability insurance policy to be held in connection with the carrying on of any *business* on public lands.

6.20 The *applicant* shall furnish the *Licence Inspector* with documentary evidence of such insurance, if deemed necessary, in a form satisfactory to the *Licence Inspector*.

SECTION 7 – SPECIAL BUSINESS LICENCE REQUIREMENTS

Bed and Breakfast

7.1 *Bed and Breakfasts* shall be permitted in accordance with the *Zoning Bylaw* and all persons operating a *Bed and Breakfast* must comply with the regulations in the *Zoning Bylaw* and must obtain and hold a valid and subsisting *business licence*.

Direct Sales (Door to Door)

7.2 Every person conducting a *business* utilizing direct sales shall obtain a *business licence*.

SECTION 7 – SPECIAL BUSINESS LICENCE REQUIREMENTS (continued)

Direct Sales (Door to Door)

7.3 No person shall attend any residence between the hours of 8:00 p.m. and 8:00 a.m. for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind, unless the owner or occupier of the residence has previously consented.

7.4 No person shall attend any residence on a Sunday or Statutory Holiday for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind, unless the owner or occupier of the residence has previously consented.

Home Occupation – Business and Office

7.5 *Home Occupation – Business and Home Occupation – Office* entities shall be permitted in accordance with the *Zoning Bylaw* and all persons operating a *Home Occupation – Business and Home Occupation – Office* must comply with the regulations in the *Zoning Bylaw* and must obtain a valid and subsisting *business licence*.

Markets

7.6 A market *licencee* must upon request furnish to the *Licence Inspector* the following:

- (a) The name and address of any operator of any stall, table or space, and
- (b) The types of goods, wares or merchandise sold by the operator.

Mobile Vendor

7.7 Any *mobile vendor* when conducting or attempting to conduct *business*:

- (a) Shall obtain the written consent of the property owner when setting up a *business* on private property and on request present this evidence to the *Licence Inspector* when making application for a *business licence*;
- (b) Shall, when displaying products after dark, use electric lighting which will not produce glare to motorists and adjacent residential uses.

Secondary Suites

7.8 *Secondary Suites* shall be permitted in accordance with the *Zoning Bylaw* and all homeowners with *Secondary Suites* must comply with the regulations in the *Zoning Bylaw* and must obtain a valid and subsisting *business licence*.

SECTION 8 – BYLAW AND ENFORCEMENT

Right of Entry

- 8.1 Any designated *Bylaw Enforcement Officer* may enter on and inspect any premises, in accordance with the Community Charter, at any time in order to ascertain whether the requirements of this *Bylaw* are being met.

Enforcement

- 8.2 Any person designated as a *Bylaw Enforcement Officer* pursuant to the City's Bylaw Notice Enforcement Bylaw No. 2428, 2018 is hereby authorized and empowered to enforce the provisions of this *Bylaw* pursuant to the Bylaw Notice Enforcement Bylaw No. 2428, 2018.
- 8.3 A violation ticket is deemed sufficiently served if the processes under the Offence Act and Local Government Act have been followed.
- 8.4 A person must not obstruct or interfere with a designated *Bylaw Enforcement Officer* in the performance of their duties

Offences and Penalties

- 8.5 Any person who contravenes, violates, or fails to comply with any provision of this *Bylaw*, or who suffers or permits any act or thing to be done in contravention or violation of this *Bylaw*, or commits an offence shall be subject to the following enforcement provisions:
- (a) The penalties imposed under the Offence Act; or
 - (b) To a penalty or order as imposed by the Community Charter or a bylaw notice under the Local Government Bylaw Notice Enforcement Act, plus the costs of the prosecution.
- 8.6 If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
- 8.7 Nothing in this *Bylaw* limits the *City* from utilizing any other remedy that is otherwise available to the *City* at law.
- 8.8 A violation of any of the provisions identified in this *Bylaw* being addressed within the provisions of section 3.3(1)(b) shall result in liability for penalties in amounts set out in Schedule 'B' of this *Bylaw* and be subject to the procedures, limits, obligations and rights established in the Bylaw Notice Enforcement Bylaw No. 2428 and the Local Government Bylaw Notice Enforcement Act.

SECTION 9 – INTERPRETATION

Validity

- 9.1 The *City* has the discretion to enforce this *Bylaw*, and is not liable of any outcomes should the *City* or an authorized person not decide to enforce this *Bylaw* if acting in good faith.
- 9.2 If any portion of this *Bylaw* is held to be invalid by a Court of competent jurisdiction, the invalid section or subsection shall be severed from, and not affect the validity of the remaining portions of this *Bylaw*.

Effect of Bylaw

- 9.3 This Bylaw shall come into effect and operation on January 1, 2023.

INTRODUCED AND READ FOR THE FIRST THREE TIMES THIS 22 DAY OF November, 2021

ADOPTED THIS 13th DAY OF December, 2021

LORI ACKERMAN
MAYOR

BONNIE MCCUE,
CORPORATE OFFICER

SCHEDULE 'A' – FEES

Table 1.0

Licence Type	Fees
Regular Business Licence	\$150.00
Home Occupations – Business and Office	\$125.00
Mobile Vendor	\$125.00
Secondary Suite	\$75.00
Temporary Licence (28 Days)	\$75.00
Business Name Changes and Business Licence Reprints	\$25.00
Registered Non-Profit	NO COST

Pro-Rated Licences

Any business licence applications submitted after and including April 1 annually are entitled to the reduced rates as follows in Table 2.0:

Table 2.0

Date of Reduction	Percent Reduction
April 1	25% Reduction
July 1	50% Reduction
October 1	75% Reduction

SCHEDULE 'B' – BYLAW AND ENFORCEMENT OFFENCES

Table 3.0

Column 1 OFFENCE	Column 2 SECTION	Column 3 PENALTY (15-30 Days)	Column 4 EARLY PAYMENT (1-14 Days)	Column 5 LATE PAYMENT (31-60 Days Collections 60+)	Column 6 COMPLIANCE AGREEMENT AVAILABLE (50% of Penalty)
Operating a Business without a Licence	5.1	\$200.00	\$150.00	\$250.00	Yes
Business Licence not Posted	5.10	\$100.00	\$50.00	\$150.00	Yes
Failure to provide Information for Application	6.1	\$200.00	\$150.00	\$250.00	Yes
Business at unauthorized Premises	6.3	\$200.00	\$150.00	\$250.00	Yes
Operating with a Suspended Licence	6.11	\$400.00	\$350.00	\$450.00	No
Failure to Notify Changes of Licence	6.16	\$200.00	\$150.00	\$250.00	Yes
Unauthorized Home Sales	7.3, 7.4	\$200.00	\$150.00	\$250.00	Yes
Failure to Meet Home Occupation – Business and Office Requirements	7.5	\$200.00	\$150.00	\$250.00	Yes
Obstructing Bylaw Enforcement Officer	8.4	\$300.00	\$250.00	\$350.00	No

SCHEDULE 'C' – DESIGNATED BYLAW ENFORCEMENT OFFICERS

<i>Bylaw Enforcement Officer</i>	<i>Licence Inspector</i>
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