

VILLAGE OF VALEMOUNT
BUSINESS LICENCE AND REGULATION BYLAW NO. 805, 2019

A bylaw to authorize the issuance of business licenses and to regulate business activity within the boundaries of the Village of Valemount.

The *Community Charter* [SBC 2003] Ch. 26, provides that Council may, by bylaw, regulate in relation to business and establish a system of licenses, permits or approvals;

In accordance with the *Community Charter*, Council has given notice of its intention to adopt this bylaw in a form and manner considered reasonable by this Council, and has provided an opportunity for persons who consider they are affected to make representation to Council;

The Council of the Village of Valemount in open meeting assembled enacts as follows:

1. CITATION

- 1.1 This bylaw may be cited for all purposes as "Village of Valemount Business License and Regulation Bylaw No. 805, 2019".

2. REPEALS

- 2.1 Village of Valemount Business Licence Bylaw No. 730, 2014 is hereby repealed

3. DEFINITIONS

- 3.1 For the purpose of this Bylaw, the following definitions shall apply:

"Business" means carrying on 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, but does not include an activity carried on by the government, its agencies or government owned corporations.

"Bylaw Enforcement Officer" means any person appointed from time to time by Village Council.

"Dwelling" means a self-contained housekeeping unit containing not more than one kitchen facility, and not less than one bathroom with a water closet, wash basin and bath or shower, used or intended to be used as a residence or for accommodation. For clarity, this does not include commercial accommodation.

"Fee" means the licence fees set out in the current Fees and Charges Bylaw.

"License" means a current business licence issued pursuant to this Bylaw.

“Licensee” means the person who holds a licence.

“Licence Inspector” means the Chief Administrative Officer, the Building Inspector, or other person designated by the Chief Administrative Officer as the person responsible for business licensing.

“Mobile Vendor” means a person who, either, on their own account or as an officer, servant, or agent of another, sells or offers for sale goods from a mobile truck or other vehicle, or from another temporary structure.

“Person” means any individual, firm, corporation or individuals associated for the purpose of carrying on a business.

“Premises” means a building, portion of a building or an area of land where a business is carried on.

“Short Term Vacation Rental” means the rental of a Dwelling Unit for a period of less than 30 days.

“Village” means the Village of Valemount.

“Yard Sale” means a sale of used or unwanted household goods, personal items, or homemade wares held in one’s garage or yard.

4. GENERAL REGULATIONS

- 4.1 No person shall carry on any business within the Village without having obtained a valid business license.
- 4.2 Where a Business is carried on from more than one Premise in the Village, the business carried on from or in each premise shall be deemed a separate business.
- 4.3 Section 4.2 does not apply to mobile vendors holding a current permit pursuant to the Village’s Street Vendor Permit Bylaw.
- 4.4 In the event that two or more persons are each carrying on separate businesses from the same premises or location, each person requires a separate license, or where there is more than one distinct trade name operating within the same premise, each trade name shall have a separate licence.
- 4.5 Every licensee shall keep a copy of the license posted in a conspicuous place in the premises, vehicle or other mode of transport, place or structure where the business is conducted or undertaken and for which the license is issued.

- 4.6 A Licence authorizes only the person named in the licence, or their employees, to carry on only the business described in the licence, and only at the premises or locations described in the licence.
- 4.7 A Licence is not a representation or warranty that the licenced business or the business premises complies with the bylaws of the Village, Provincial or Federal legislation, or with any other regulations or standards.

5. BUSINESS SPECIFIC REGULATIONS

- 5.1 A business with a commercial kitchen must provide proof that cleaning of the fats, oils and grease interceptor has taken place at least once within the past calendar year prior to issuance or renewal of a business license.
- 5.2 A person shall not offer for sale, lease or rent, any goods or merchandise on any streets or boulevards within the Village, except a Mobile Vendor who has been issued a permit pursuant to Village of Valemount Street Vendor Bylaw No. 713, 2014, and as amended.
- 5.3 A business that maintains a premise for use by customers or employees must have the premise inspected by the Village of Valemount Fire Inspector prior to receiving a business license.
- 5.4 Each dwelling approved for use as a short term vacation rental property in the Village of Valemount requires a separate business license, whether or not multiple dwellings are managed and /or owned by the same person or company.
- 5.5 A not-for-profit organization registered as a society is required to apply for and obtain a business licence at no cost to the applicant.

6. EXEMPTIONS

- 6.1 A licence is not required for:
 - a. A performance, concert, exhibition or entertainment, the entire proceeds of which, above actual expenses, are devoted to a charitable purpose in Valemount;
 - b. A performance, concert, exhibition, entertainment or concession which is held in a theatre or other place which is licensed by the Village;
 - c. Village residents selling home-made wares at a craft fair hosted by the Village of Valemount, the Chamber of Commerce, or a local non-profit organization;

- d. The rental of a detached single family dwelling or duplex (or a portion thereof), for a period of more than 30 days.
- e. A business that pays a user fee to the Farmers Market Society to participate in the farmers market authorized by the Village and conducts no other business within the Village of Valemount; business conducted outside of the Farmers Market will require a business license.
- f. A yard (or garage) sale.
- g. The selling of consignment goods at the Valemount Visitor Information Centre, provided the seller has signed an agreement with the Visitor Information Centre, and paid the corresponding consignment fee.

7. LICENSING PERIOD

- 7.2 Annual licenses shall be granted for a period commencing each January 1st and expiring each December 31st.

8. LICENSE APPLICATION AND FEE

- 8.1 Except as otherwise provided in this Bylaw, the application for a licence and the licence issued thereafter shall be in the form prescribed by the Village.
- 8.2 Every person applying for a new licence or for a renewal of a licence shall, at the time of making application, pay to the Village:
 - a. The licence fee for the applicable type of business specified in the Village's Fees and Charges Bylaw; and,
 - b. All outstanding fees, charges and penalties due and payable to the Village in respect to the business.
- 8.3 Only in the initial year of application, the licence fee shall be reduced by one-half if application for licence is made after July 1st in that year.
- 8.4 No reduction or refund of the annual licence fee shall be made by the Village to any Licensee ceasing to own or operate the business for which the licence was issued, nor will there be any refund in the event a business licence is cancelled or suspended.
- 8.5 If it is determined that a person has carried on business prior to July 1 in any year and has failed to apply for a license until after July 1, the license fee shall not be reduced.

9. GRANTING AND REFUSAL OF LICENCES

- 9.1 The Licence Inspector may grant a licence where the Licence Inspector is satisfied that the applicant has complied with the requirements of the bylaws of the Village.
- 9.2 In the case of refusal the Licence Inspector must provide written reasons for the refusal and opportunity for the applicant to be heard.
- 9.3 In considering an application for a licence, the Licence Inspector may require that an applicant provide proof of certification, approval or qualification required by a Federal, Provincial or Local Government Authority having jurisdiction over the business.
- 9.4 The Licence Inspector may establish the terms and conditions of a licence, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence.
- 9.5 If the issuance of a licence requires insurance coverage, proof of that insurance coverage in a form acceptable to the Licence Inspector shall be submitted prior to the issuance of the licence.
- 9.6 In the event that the proposed Location or Premises are not owned by the person applying for a Licence, evidence satisfactory to the Licence Inspector of the owner's consent to the business being carried on at the premises must be provided prior to a business license being issued.

10. SUSPENSION AND CANCELLATION OF LICENCES

- 10.1 Provided that the License Inspector has given the licensee notice of the proposed suspension or cancellation and an opportunity to be heard, the Licence Inspector is authorized by Council to suspend or cancel a licence for:
 - a) failure by a licensee to comply with a term or condition of the license;
 - b) failure by a licensee to comply with this Bylaw; or,
 - c) reasonable cause,

11. COUNCIL RECONSIDERATION OF REFUSAL, SUSPENSION OR CANCELLATION OF A LICENSE

- 11.1 If the Licence Inspector proposes to exercise their authority to refuse, suspend or cancel a licence, the Licence Inspector must provide notice of the proposed action

and advise that the licensee is entitled to have Council reconsider the matter.

- 11.2 A notice under section 11.1 shall be issued to the licensee or delivered by registered mail to the licensee to the address provided on the business license application.
- 11.3 An applicant or licensee who wishes to have Council reconsider the refusal, suspension or cancellation of a licence shall give written notice, within 10 days from the date of refusal, suspension or cancellation, of its request for reconsideration to the Village's Corporate Officer; and the notice must include a description of the grounds upon which the request for reconsideration is made.
- 11.4 Upon receipt of a written notice under section 11.3, the Village's Corporate Officer shall refer the matter to Council for their consideration, who may confirm or set aside the License Inspector's decision as Council deems appropriate in the circumstances; the applicant is to be informed in writing of Council's decision.

12. LICENSE RENEWAL

- 12.1 Each person who holds a valid annual licence for an active business in the Village shall renew such licence at the conclusion of the valid annual licence period and pay the fees specified by January 30 of each year.

13. LICENCE CHANGES

- 13.1 Every licensee shall notify the Licence Inspector in writing within thirty (30) days of termination of operation of the business.
- 13.2 No Licensee shall make a change to a business without first applying to the license inspector, on a form prescribed by the Village.
- 13.3 Changes requiring approval include, but are not limited to:
 - a) A change in location of the business premises,
 - b) A change to the business name,
 - c) A change to the controlling ownership interest,
 - d) A change to any term or condition on which the licence was issued, or
 - e) A change that would increase the licence fee prescribed for the business,

- 13.4 The powers, conditions, requirements and procedures relating to the granting or refusal of a licence shall also apply to applications for a licence change.
- 13.5 Every person making an application for a change to a licence (as per Section 13.2) shall pay the administrative fee prescribed in the Village's Fees and Charges Bylaw.

14. INSPECTION

- 14.1 All premises in or upon which the applicant proposes to conduct a business may first be inspected before a license is granted and the applicant shall, upon request, produce certificates or letters of approval by building, septic, fire, health, and/or other inspection authorities, or other provincial authorities as may be required.
- 14.2 Every Licensee shall permit reasonable access by the Licence Inspector or Bylaw Enforcement Officer to any premises for which a licence is sought or has been granted, and shall provide such information with respect to the business as reasonably requested for the purpose of ensuring that the requirements of this bylaw are being fulfilled.

15. OFFENCES AND PENALTIES

- 15.1 A person shall not do any act or permit any act of thing to be done in contravention with this bylaw.
- 15.2 Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and :
- a) Shall be liable to any conditions set out in the Village of Valemount Bylaw Notice Enforcement and Dispute Adjudication System Bylaw; or,
 - b) Shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or
 - c) Any combination of the above.
- 15.3 Each day that an offence against this bylaw continues may be deemed a separate and distinct offence.
- 15.4 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

16. SEVERABILITY

- 16.1 If any provision of this bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the bylaw.
- 16.2 If there is a discrepancy between this bylaw and the Village of Valemount Zoning Bylaw, as amended, the Zoning Bylaw shall take precedence.

READ A FIRST TIME ON THE 26TH DAY OF NOVEMBER, 2019.

READ A SECOND TIME ON THE 26TH DAY OF NOVEMBER, 2019.


PUBLIC HEARING HELD ON THE 10th DAY OF DECEMBER, 2019.

READ A THIRD TIME ON THE 10th DAY OF DECEMBER, 2019.

RECONSIDERED AND ADOPTED ON THE 14th DAY OF JANUARY, 2020.




Mayor, Owen Torgerson



Corporate Officer, Wayne Robinson

Certified to be a true copy of "Village of Valemount Business Licence and Regulation Bylaw No. 805, 2019", as adopted by Council Resolution #24/20.



Corporate Officer, Wayne Robinson