



**THE CORPORATION OF THE VILLAGE OF BURNS LAKE**

**BYLAW NO. 960**

A bylaw to provide for licensing of businesses  
within the boundaries of the Village of Burns Lake.

The Council of the Corporation of the Village of Burns Lake in open meeting assembled enacts as follows:

1. INTERPRETATION

1.1. In this bylaw, unless the context otherwise requires, the following terms shall have the meaning hereby assigned:

- a. *Business* means carrying on a commercial or industrial activity or undertaking of any kind, or providing professional, personal or other services for purpose of gain or profit or providing any other services in exchange for money or other considerations but does not include any activity carried out by the federal or provincial governments.
- b. *Resident Business* means a business carried on in or from premises within the municipality.
- c. *Non-Resident Business* means a business, other than a resident business, carried on in the municipality or with respect to which any work or service is performed in the municipality.
- d. *License Inspector* means the person or persons designated by the Chief Administrative Officer to carry out the administration and enforcement of this bylaw.
- e. *Council* means the Council of the Corporation of the Village of Burns Lake.
- f. *Village* means the municipality of the Corporation of the Village of Burns Lake.
- g. *Premises* means a building or part of a building with its appurtenances or grounds.
- h. *Person* means a person, corporation, partnership or other legal entity.
- i. *Non-Profit Organization* means an organization operated solely by an organization recognized as such by the *Societies Act* or *Canada Not-For-Profit Corporations Act*.
- j. *Temporary Vendor* means any resident business or non-resident business who sells or offers goods, wares, merchandise, or foodstuff that is operating up to a maximum of 21 calendar days (eg temporary food carts, non-resident vendors at public events, non-resident contractors working less than 21 days).
- k. *Seasonal Business* means any business that by the nature of the business is prevented from operating for more than 21 calendar days but less than 6 months of the year due to seasonal conditions.
- l. *Farmer's Market* means a group of stalls and booths where farmers and other local vendors sell their products directly to consumers on a temporary or seasonal basis.
- m. *Community Events* means specifically Aboriginal Day and Canada Day celebrations which are held annually at Spirit Square.

- n. *Social Media* means an internet-mediated tool that allow people to create, share or exchange information, ideas, and pictures/videos in virtual communities and networks.

## 2. GENERAL REGULATIONS

- 2.1. No person shall carry on any business within the Village unless that person holds a valid and subsisting license issued by the pursuant to this bylaw for the business carried on. A license that has expired or has been suspended or has been cancelled is not a valid and subsisting license.
- 2.2. Where a person carries on one business from more than one premises in the Village, only one license is needed.
- 2.3. Where a person carries out multiple businesses in separate premises, each business shall be deemed a separate business and shall be required to have separate licenses.
- 2.4. Where multiple businesses are located within the same premises, each business is required to have a separate license.
- 2.5. Where a premises is rented or leased out and the renting or leasing of said premises is the primary purpose of ownership, the person, partner or holding company requires a business license.
- 2.6. Non-profit organizations are required to obtain a Business License but no fee shall be charged.
- 2.7. Business Licenses are not required for religious organizations, registered charities, service clubs and local community organizations offering goods or merchandise for sale to raise funds for local community projects.
- 2.8. All businesses must adhere to all Village of Burns Lake bylaws and federal or provincial acts or regulation relating to their business operations to obtain a business license.
- 2.9. A Non-Resident Business that advertises or engages with clients located within Village boundaries, from their place of business using electronic means or social media are not required to obtain a Business License.

## 3. APPLICATION FOR A LICENSE

- 3.1. An application for a license must be made to the License Inspector on the application form provided by the License Inspector for that purpose, and taking the form of Schedule A-Business License Application.
- 3.2. 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 Schedule A-Business License Application.
- 3.3. Where a business is governed by a federal or provincial act or regulation, an applicant must provide a copy of current certifications or letter of approval from the governing body before a license may be issued (eg, health permits, liquor licenses, firearms licenses).

## 4. TEMPORARY VENDOR REGULATIONS

- 4.1. A temporary vendor shall be permitted to offer the sale of goods and food products from private property with the written permission of the owner, at a location where

such use is permitted under the Village of Burns Lake Zoning Bylaw for no longer than 21 calendar days.

- 4.2. A temporary vendor may include a non-resident business who has been contracted by a person to complete services within the Village of Burns Lake and will be completed within less than 21 calendar days.
- 4.3. Any temporary vendor that is operating for more than 21 calendar days in a year will have to apply for a seasonal or full business license depending on the nature of the business.
- 4.4. An application for a temporary vendor must be made to the License Inspector on the application form provided by the License Inspector for that purpose, and taking the form of Schedule A-Business License Application.
- 4.5. Within Village owned property, a mobile vendor shall have an agreement from any group sponsoring events and activities. The organizing group must obtain permission from the Village prior to the event in order to host mobile vendors. Temporary vendors operating at special events that don't possess a current business license will need to complete Schedule A-Business License Application.
- 4.6. Temporary vendors that are present at Community Events are exempt from needing a Temporary Vendor Permit so long as the event organizers grant them permission to be present at that event and that the event organizers provide a list to the Village of which temporary vendors will be present at the community event.
- 4.7. If any person or organization wishes to conduct a farmer's market from Village owned property, they must obtain written permission from the Village prior to opening the market including days and times. No license will be required for the farmer's market participants during these exact times.
- 4.8. A mobile vendor shall not do business within thirty (30) meters of other like retail vendors.

## 5. LICENSE FEES AND LICENSE PERIOD:

- 5.1. No license shall be issued or renewed to a person until that person has paid the Village the prescribed fee for the classification of business set out in the current Village of Burns Lake Fees and Charges Bylaw.
- 5.2. License fees are based on the type of business being operated. The categories include Full Annual License, Seasonal License, Temporary Vendor Permit and Non-Profit Organization License.
- 5.3. Unless a license is refused by the License Inspector, no license fee paid under this bylaw will be refunded.
- 5.4. A license issued pursuant to this bylaw is in effect for a period of twelve months, and expires on the 31<sup>st</sup> day of December each year.
- 5.5. The license fee prescribed in Section 5 of this bylaw will be reduced by ½ for any person who becomes liable for a full license after June 30 of any year, excluding seasonal licenses and temporary permits.

## 6. TRANSFER OF A LICENSE:

- 6.1. In the event of a change of ownership of the business for which a license is issued, the new owner must apply for a new license.
- 6.2. No person to whom a license has been issued under this bylaw shall change the location of the premises named on the license without making application to the License Inspector for a transfer of the existing license and being granted it.

6.3. The License Inspector may refuse the transfer of a license if the operation of the business or new premises does not comply with this and other bylaws of the Village.

6.4. A person must notify the License Inspector when a business no longer requires a license.

## 7. REFUSAL OF LICENSE:

7.1. The License Inspector may refuse an application for a license if:

- a. The premises of the proposed business does not meet the requirements of the Villages bylaw's regulating business, land use or fire;
- b. The business is prohibited by another Village of Burns Lake bylaw or federal or provincial act or regulation;
- c. A license for the same business is currently cancelled or suspended under this bylaw, and the terms for reinstatement have not been met;
- d. The applicant has not provided a copy of current certification, license or letter of approval from the governing before a license may be issued.

## 8. SUSPENSION OF LICENSE

8.1. The License Inspector may suspend a license if:

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

8.2. When the License Inspector suspends a license, the License Inspector must issue a notice of suspension in writing. A notice of suspension must:

- a. Give the reason for the license; and
- b. Provide a list of requirements which must be met in order to have the license reinstated;
- c. Inform the person that the license may be cancelled in the terms if the notice of suspension are not met within the stated time frame;
- d. Inform the person of the right to appeal the suspension and the procedure of the appeal; and
- e. Be signed by the License Inspector

## 9. CANCELLATION OF A LICENSE

9.1. The License Inspector may cancel a license when a person has been suspended does not meet the requirements stated in the notices of suspension within the stated time frame.

9.2. When the License Inspector cancels a license, notice must be given to the person in writing. A notice of cancellation must:

- a. Give the reason for the cancellation of the license; and
- b. Inform the person of the right to appeal the cancellation and the procedure for the appeal; and
- c. Be signed by the License Inspector.

9.3. The License Inspector may post a notice of cancellation of a license on the premises for which the license was issued. The notice must not be removed until:

- a. The person ceases to occupy the premises; or
- b. A new license is issued.

## 10. APPEAL

10.1. A person whose license has been suspended or cancelled may appeal the decision of the License 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.

10.2. The Chief Administrative Officer, upon receiving the notice of intention to appeal, must:

- a. Refer the matter to Council in order to set up a time and place for a hearing; and
- b. Give reasonable notice to the appellant of the time and date for the hearing

## 11. LICENSE INSPECTORS:

11.1. The License 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 license if satisfied that the person for which application pertains has complied or is in the process of complying with a bylaw or bylaws of the Village regulating, business, building, land use or fire;
- c. renew a license, 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 license under this bylaw and require the licensee to provide evidence to the satisfaction of the License Inspector of compliance with such terms or conditions;
- e. suspend or cancel a license for reasonable cause, including where a person
  - i. has failed to comply with a term or conditions of a license;
  - ii. the person's premises cease to comply with a bylaw regulating business, building, land use, or fire;
  - iii. is convicted of an offence under an Act or bylaw in respect of the business for which the license has been issued or with respect the premises named in the license;
  - iv. is deemed, under the *Offence Act* to have pleaded guilty to an offense under a bylaw in respect of the business or with respect to the premises named in the license;
- f. refuse a license where satisfied that the applicant or premises named in the application are not in compliance with this bylaw.

12. CITATION:

The "Corporation of the Village of Burns Lake Business License Bylaw No. 513, 1983" is hereby repealed.

The Corporation of the Village of Burns Lake Mobile Vendor Bylaw No. 872, 2006" is hereby repealed.

This Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Business License Bylaw No. 960, 2015.*"

READ A FIRST TIME this 11 day of August, 2015.

READ A SECOND TIME this 29 day of September, 2015.

READ A THIRD TIME this 29 day of September, 2015.

ADOPTED this 10 day of November, 2015.

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MAYOR

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CORPORATE OFFICER

Certified to be a true copy of the "*Corporation of the Village of Burns Lake Business License Bylaw No. 960, 2015*"

**PLEASE CONTACT THE VILLAGE OF BURNS LAKE OFFICE FOR A  
CURRENT BUSINESS LICENSE APPLICATION FORM.**