



## TOWN OF PORT MCNEILL

### BUSINESS LICENSING BYLAW NO. 699, 2020

A BYLAW FOR THE PURPOSE OF THE LICENSING AND REGULATING OF BUSINESSES WITHIN THE TOWN OF PORT MCNEILL.

The Council of the Town of Port McNeill, in open meeting assembled enacts as follows:

#### **Part 1: Title**

This bylaw may be cited for all purposes as “The Town of Port McNeill Business Bylaw No. 699, 2020.

#### **Part 2: Definitions**

For the purpose of this bylaw:

**Applicant** means a person who makes an application for a Business Licence under the provisions of this bylaw.

**Business** means the carrying on of a commercial or industrial undertaking of any kind or the providing of professional, personal, or other services for the purpose of a profit or gain.

**Business Licence** means a valid licence issued by the Town to allow the operation of a business within the Town.

**Council** means the Council of the Town of Port McNeill.

**Home Based Business** means a business that operates a residential zone.

**Licence Inspector** means the person officially appointed by Council to administer this Bylaw, and includes his/her successor, deputy or any other person designated to act in his/her place.

**Marine Business** means any vessel-based business operating from a Port McNeill marina, excluding commercially licensed fishing vessels.

**Mobile Vendors** means a business utilizing a registered motor vehicle, a vessel registered to operate on water or a manually powered pushcart for the purpose of vending goods or services.

**Mobile Vending Pushcart** means a vehicle not registered to operate on a highway which is designed for use as a goods and services vending outlet.

**Non-resident Business** means a Business whose primary address does not fall within the Town’s jurisdiction.

**Party/Direct Selling** means a business that operates from their residence, homes of their customers, online or through social media usually through catalogs, posters and demonstrations. For the purpose of this bylaw, this will fall under **Home Based Business** in Schedule “A”.

**Premise** means a shop, store, office, house, or other place that is occupied or capable of being occupied by a business for the purpose of carrying on business.

**Rental Units** means a premise that contains rooms or space available for residential rental, not including hotels, motels or inns and spaces rented to an individual or business for the purpose of conducting a business. For the purpose of this bylaw, Bed and Breakfast and will fall under the definition of Home Based Business.

**Resident Business** shall mean a business carried on, in or from premises within the Town boundaries.

**Special Event** means a one-time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing body.

**Town** means the Town of Port McNeill.

### **Part 3: Licensing**

#### **3.1 Council shall:**

- a. require an owner or operator of a business to hold a valid and subsisting licence for carrying on a business;
- b. fix and impose licence fees for licences; and
- c. provide for the collection of licence fees and the granting, issuing and transferring of licences

**3.2** Council may establish areas within the Town in which licensed mobile vendors may operate and may make such regulations for mobile vending as it deems appropriate and necessary.

### **Part 4: Exemptions**

**4.1** The following non-resident businesses are not required to hold a licence under this bylaw:

- a. commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their businesses.
- b. a wholesaler, manufacturer or processor who is only in the business of offering for sale or selling his own merchandise and delivering it in his own vehicle to merchants for resale by them in the ordinary course of their businesses.

**4.2** No licence is required under this bylaw with respect to any performance, concert, exhibition or entertainment, the entire proceeds of which, above actual bona fide expenses, are donated to any charitable purpose.

### **Part 5: Application**

**5.1** Every person applying shall complete and sign the Town's Application for Business Licence form. Completion of this form does not grant approval.

**5.2** The application will be reviewed by the Licence Inspector for completeness and conformity with all Town bylaws that regulate building, zoning, health, sanitation

and any other rules and regulation required by the Town. Additional information may be requested by the Licence Inspector including but not limited to:

- a. Proof of insurance coverage;
- b. Proof of required qualifications whose business is governed by Federal or Provincial Acts or Regulations;
- c. Written permission to operate within a residential or commercial rental unit;
- d. Produce certification or letters of approval, as may be required by Federal, Provincial or local government authorities.

**5.3** Licence fees must be paid before a licence shall be valid and issued.

**5.4** Where more than one business is carried out at the same location, a separate application and fee shall be submitted.

**5.5** For the purpose of this bylaw, where a business is carried on in or from more than one Premises in the Town, the business carried on in or from each Premises shall be deemed a separate business. A separate licence is required for each location where a business operates within the Town.

#### **Part 6: Licence Fee**

**6.1** The applicant shall pay to the Town the applicable licence fee prescribed in Schedule "A" upon approval of an application.

**6.2** No licence fee paid under this bylaw shall be refundable, unless a licence is refused by the Licence Inspector.

**6.3** If a person begins to carry on a business after the 31st day of July in any year, the licence fee prescribed in Schedule "A" for that business shall be reduced by one-half (1/2).

**6.4** If a person is operating a business prior to the 31st day of July in any year and fails to apply for a licence until after the 31st day of July in that year, he shall be liable for the full fees.

#### **Part 7: Term of Licence**

Licences required by this bylaw are issued annually for one calendar year commencing on 1<sup>st</sup> day of January and expiring on the 31<sup>st</sup> day of December.

#### **Part 8: Home Based Business**

**8.1** A home-based business may be carried on in any zone subject to the following provisions:

- a. It shall be carried on by a person or persons residing on the premise, and shall not employ more than one person that does not reside on the premise;

- i. And in a rented premise the landowner, manager or agent shall authorize in writing the tenant to obtain a licence and such authorization shall be submitted prior to issuance of a licence.
- b. All business shall be confined to operate within the primary residence located on the premise noted on the application.
- c. The business portion shall not exceed twenty percent (20%) of the floor area.
- d. It shall not disrupt neighboring residents as set out in the Town of Port McNeill's Nuisance Bylaw and amendments.
- e. The total display area of the outdoor advertising at the premise shall not exceed 186 m<sup>2</sup> (2 sq. ft.).
- f. There is ample off-street parking provided for all personal and business vehicles and business patrons as per the Town of Port McNeill Zoning Bylaw and amendments.
- g. It shall not create excessive customer or service traffic.

## **Part 9: Mobile Vendors**

**9.1** No person shall offer for sale any goods or merchandise on a highway within the boundaries of Town, except as provided for in this bylaw or other enactment;

- a. Traffic and Highways Regulation Bylaw No. 319, 1989 (Parking Regulations) and amendments.
- b. Motor Vehicle Act (When vehicle stopping prohibited).

**9.2** Mobile Vendors and Mobile Vending Push Carts:

- a. Every vehicle used in the carrying on a business as a mobile store or a mobile concession stand shall meet standards as set forth by WorkSafeBC, Provincial Health Regulations and any other applicable regulations or bylaws.
- b. All mobile stores, mobile concession stands, floating concessions or mobile vending push carts shall be in good mechanical condition and meet all the food handling requirements of the Provincial Health Regulations and shall be in good mechanical condition and meet all the food handling requirements of the Provincial Health Regulations and shall be in possession of valid permits issued by the Provincial Government authority having jurisdiction.
- c. No form of music or voice amplifying device shall be allowed. All soliciting to be done at a level speaking voice, with no shouting.
- d. A mobile store, concession stand, or vending pushcart may be operated from commercial or industrial zoned private property, with the consent of the property owner.

- e. A mobile store, concession stand, floating concession or vending pushcart may be operated on municipal property if the business has acquired a permit from the Town and is in compliance with all conditions set out under the permit.

### **Part 10: Non-Residents**

- 10.1** Non-Residents are not required to obtain a licence when operating a business outside of town boundaries.
- 10.2** Non-Residents may be required to obtain a licence if hired by the Town for tender as a condition of contract.

### **Part 11: Transfer of Licence**

- 11.1** A licence granted under this bylaw shall be deemed a personal licence to the licensee and shall not be transferable to any other person.
- 11.2** A licensee shall apply for a transfer of license if the location of the business changes. All transfers must be approved by the Licence Inspector and pay the fee prescribed in Schedule "A".
- 11.3** No person shall change the type of business for which the original licence was approved.
- 11.4** A licensee shall notify the Licence Inspector when the licence is no longer required.

### **Part 12: Licence Suspension**

- 12.1** The Licence Inspector, Bylaw Enforcement Office or Council is hereby delegated the authority to grant or suspend a licence with just cause.
- 12.2** The suspension of a licence by the Licence Inspector shall be made in writing, signed by the Licence Inspector and served to the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form.
- 12.3** A notice of suspension may be posted by the Licence Inspector at the businesses premises and the notice shall not be removed until;
  - a. The licence is reinstated.
  - b. The suspended licensee ceases to occupy the premises.
  - c. A new licence is issued for the premises.
- 12.4** No person shall carry on a business for which a licence, required by this bylaw, is under suspension.

### **Part 13. Posting Licence**

A licence holder shall post the licence issued under this Bylaw in the sales or reception area of the premises to which the public has access or in another area designated by the Licence Inspector.

### **Part 14. Renewal of Licence**

The Town will forward a Business Licence Renewal Notice to every licensee at the address listed on the existing Business Licence on an annual basis. The licensee shall be responsible for informing the Town with changes to mailing or phone contact information.

### **Part 15. Enforcement**

**15.1** It shall be the duty of the Licence Inspector or Bylaw Enforcement Officer to enforce the provision of this bylaw.

**15.2** Enforcement is set out by the Town's Bylaw Enforcement & Complaint Policy and amendments.

### **Part 16. Penalty**

A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw commits an offense and is liable to be ticketed by the Bylaw Enforcement Officer to a fine not less than one hundred (\$100.00) dollars or more than the maximum penalty provided under the Offense Act.

### **Part 17. Schedule "A"**

**17.1** Schedule "A" to this bylaw forms a part of and is enforceable in the same manner as this bylaw.

**17.2** Fees imposed in Schedule "A" shall become due and payable within thirty (30) days after they are invoiced. See "Licence Fee" (Part 6)

**Part 18. Repeal**

Bylaw No.491, 1997, Business Licence Bylaw is hereby repealed.

**Part 19. Effective Date**

This bylaw shall come into effect on the date of its final adoption.

Read a first time the 8th day of December 2020

Read a second time the 8th day of December 2020

Read a third time the 8th day of December 2020

Reconsidered, finally passed and adopted the 17th day of December 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Certified to be a true and correct copy of Bylaw No. 699, 2020 as adopted.

\_\_\_\_\_  
Corporate Officer

## Schedule "A"

### Fees

#### Commercial/Industrial/Residential

Definition – any business permitted in the zones designated in the Town of Port McNeill Zoning and Land Use Bylaw and any amendments thereto.

#### Basis of Fees

#### Licence Fee

Employing from 0-3 persons (Including Home-Based)	\$80
Employing 4-10 persons	\$120
Employing 11-25 persons	\$180
Employing 26-49 persons	\$270
Employing 50 or more persons	\$400

Special Events (including Farmers' Markets) \$300

Non-Resident Business \$80

#### Residential Rental Units/Spaces

Number of Ownership Company Employees or \$5.00 per rental space (on 3 or more spaces), whichever is greater.

#### Commercial, Mall Rental Spaces, Motels and Hotels

Number of Ownership Company Employees or \$5.00 per rental space (on 3 or more spaces), whichever is greater.

Transfer of Licence \$25

#### Home-Based Business

Must complete Home-Based Business Licence Addendum



Please return completed form to:  
1775 Furney Place or mail to:  
Box 728, Port McNeill, B.C. V0N 2R0  
Tel: 250-956-3111 Fax: 250-956-4300



Application for Business Licence  
Bylaw No. 699, 2020 Business Licence  
Regulation and Fees

Business Name  \_\_\_\_\_

Doing Business As  \_\_\_\_\_ Telephone  \_\_\_\_\_

Website  \_\_\_\_\_ Email  \_\_\_\_\_

Social Media Handles  \_\_\_\_\_

**\* Please indicate with a check above which information can be made public**

Owner Name \_\_\_\_\_ Telephone \_\_\_\_\_

Owner Name \_\_\_\_\_ Telephone \_\_\_\_\_

Business Location (Civic/Street Address) \_\_\_\_\_  
(Civic address must be clearly displayed on the outside of business)

Description of Business \_\_\_\_\_ Zoning \_\_\_\_\_

In Case of Emergency Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

**Calculation of Annual Licence Fee** (after July 31, 50% of annual cost)

<b>Number of Employees:</b>	0-3 (including Home-Based)	\$80	<input type="checkbox"/>	<b>Note – Home-Based Businesses Need to Complete the Home- Based Business Licence Application Addendum.</b>
	4-10	\$120	<input type="checkbox"/>	
	11-25	\$180	<input type="checkbox"/>	
	26-49	\$270	<input type="checkbox"/>	
	50+	\$400	<input type="checkbox"/>	
<b>Special Events</b> (including Farmers' Market)		\$300	<input type="checkbox"/>	<b>Note – Mobile Vendor to apply for a Permit.</b>
<b>Non-Resident Business</b>		\$80	<input type="checkbox"/>	
<b>Transfer of licence</b>		\$25	<input type="checkbox"/>	

Former Owner \_\_\_\_\_ New Owner \_\_\_\_\_

**3 or more Residential Rental Units/Spaces** – Number of employees\* or \$5.00 per residential rental space (greater)

Total No. of Units \_\_\_\_\_ **Total Fee** \_\_\_\_\_

**Commercial or Mall Rental Spaces** – Number of employees\* or \$5.00 per commercial rental space (greater)

Total No. of Spaces \_\_\_\_\_ **Total Fee** \_\_\_\_\_ *\*Employees of the ownership company*

**Acceptance of this application does not signify its approval**

I \_\_\_\_\_, hereby apply for a licence with particulars stated as above, which I declare to be true and correct. I undertake, if granted a licence, to comply with all obligations and bylaws of the Town of Port McNeill.

Applicant's Signature \_\_\_\_\_

**Office Use:** Fee Paid \_\_\_\_\_ Full Year  Part Year (Aug-Dec)

Licence No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approved by \_\_\_\_\_ Signature \_\_\_\_\_

Notes: \_\_\_\_\_