



DISTRICT OF PORT EDWARD
BUSINESS LICENCE BYLAW No. 753, 2023

A bylaw to authorize the issuance of business licences within the boundaries of the District of Port Edward.

WHEREAS pursuant to the Community Charter, the Council may, by bylaw, regulate matters in relation to business;

NOW THEREFORE the Council of the District of Port Edward, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "District of Port Edward Business Licence Bylaw No. 753, 2023"

2. REPEALS

THAT "District of Port Edward Business Licence Bylaw No. 389, 1997 and Bylaw No. 417, 1999 amendment be repealed in its entirety.

3. DEFINITIONS

In this bylaw, unless the context otherwise requires:

Act means the Community Charter, Chapter 26, as amended and the Local Government Act, Chapter 323, as amended.

Applicant means any person who makes an application for a licence under the provisions of the bylaw.

Building Inspector means the person or persons duly appointed as such from time to time by the Council and includes the Manager, Building Inspections, and a person designated by the Manager to act on his behalf.

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.

Council means the elected Council of the District.

District means the District of Port Edward.

Licence means a business licence issued under this bylaw.

Licencee means one who holds a business licence issued under this bylaw.

Licence Inspector means the person or persons appointed as Licence Inspector from time to time by the Council to administer this bylaw.

Licence Period means the period of time in which a Business Licence is in force.

Premises means a store, office, warehouse, factory building, house, enclosure, yard or other place occupied, or capable of being occupied by one or more persons for the purpose of any business, trade or occupation, or any area situated within any of the foregoing, where more than one separate or distinct class or classification of business is being carried on.

4. GENERAL REQUIREMENTS

- 4.1 Except as otherwise provided in this Bylaw, no person will carry on, maintain, own, or operate a Business within the District without holding a Business Licence.
- 4.2 A person who operates more than one Business in a premises must obtain a separate Business Licence for each Business.
- 4.3 The Business Licence must be posted in a conspicuous place in the premises, vehicle, place or structure for which the Business Licence was issued at all times that the Business is operating.

5. LICENCES EXEMPTIONS

A Non- Profit Society is required to hold a Business Licence. The nominal Licence fee is zero.

6. AUTHORITY TO LICENCE

- 6.1 Council appoints the Chief Administrative Officer to serve as the Licence Inspector, who is authorized to carry out and administer the provisions of this Bylaw.
- 6.2 Council delegates to the Licence Inspector the powers of Council to grant the Business Licence if the Licence Inspector is satisfied that:
 - a) the Applicant has fulfilled the requirements of this and all other District bylaws applicable to the Business and the Premises;
 - b) the Applicant has fulfilled the requirements of all federal, provincial, Local Government, and First Nations legislation applicable to the Business;
 - c) the Applicant has paid the Licence fee; and
 - d) the Applicant does not have any outstanding fees or fines owed to the District in relation to the proposed Business, or any other Business operated by the same Applicant.

7. LICENCE APPLICATION

7.1 All applications for a Business Licence must:

- a) be in the form prescribed from time to time by the Licence Inspector for that purpose;
- b) be signed by the owner or operator of the Business or their duly authorized agent; and
- c) contain a true and accurate description of the following information:
 - i. the nature of the Business;
 - ii. the full names, civic address of the business and contact information
 - iii. the Premises from which the Business is conducted;
 - iv. any other information the Licence Inspector may require with respect to the operation of the Business and its location.
 - v. the issuance of a Business Licence is not a representation or warranty by the District that the Business or proposed Business complies with any or all applicable bylaw or enactments, and the Applicant or Licensee bears all responsibility to ensure that the Business or proposed Business complies with all applicable bylaws of the District and with all other federal and provincial enactments, laws, rules, codes, regulations or orders.

8. LICENCE FEES

8.1 All Business Licences will have a Licence Period of one-year, commencing on the 1st of May and terminating on the 30th of April in each and every calendar year.

8.2 The District will not refund Licence Fees for any reason.

8.3 No Licence shall be issued to an Applicant for a Business until the Licence Inspector approves the Licence and the fee(s) have been paid to the District.

8.4 Every Licensee must notify the Licence Inspector in writing if the Business operation is being terminated.

9. LICENCE CHANGES/TRANSFERS

9.1 A Licence granted under this Bylaw shall be deemed a personal Licence to the Licensee and shall not be transferable to any other person.

9.2 A person shall not carry on or continue a Business which he has purchased, without first obtaining a Licence pursuant to this Bylaw.

9.3 A person shall not change the location of the Business for which the Licence has been issued, and then carry on that Business without first having obtained a transfer of his Licence from the Licence Inspector.

9.4 The Licence Inspector shall charge a fee of \$10.00 for each Licence transfer.

10. BUSINESS REFUSAL, SUSPENSION AND CANCELLATION

- 10.1 The Licence Inspector has the authority to refuse an Application for a Business Licence or suspend or revoke a Business Licence for reasonable cause by providing the Applicant or Licencee with:
- a) the Applicant or Licencee fails to comply with this Bylaw;
 - b) the Applicant or Licencee fails to comply with a term or condition of the Business Licence;
 - c) the Applicant or Licencee fails or ceases to meet the lawful requirements to carry on the Business at the Premises;
 - d) the Applicant or Licencee is convicted of an offence that, in the opinion of Council or the Licence Inspector, directly relates to the Business;
 - e) the Applicant or Licencee violates any bylaw of the District that is, in the opinion of Council or the Licence Inspector, in any way related to the Business or the Business Premises; or
 - f) the Licencee has engaged in misconduct with respect to the Business or the Business Premises which, in the opinion of Council or the Licence Inspector, warrants the suspension or cancellation of the Business Licence.
- 10.2 If the Licence Inspector suspends a Business Licence:
- a) the suspension is for such period of time as the Licence Inspector may determine; and
 - b) the Licence Inspector may impose additional terms and conditions that the Licencee must meet in order to obtain a Business Licence at the end of the suspension period.
- 10.3 If the Licence Inspector suspends or cancels a Business Licence written reasons for the refusal must be given to the Licencee.
- 10.4 The Licence Inspector must provide notice of the suspension or cancellation to the Licencee pursuant to the notice provisions outlined in the Bylaw.
- 10.5 The Licencee must surrender the Business Licence to the Licence Inspector.
- 10.6 Notwithstanding the notice provisions in this Bylaw, the Licence Inspector may post a notice of the suspension or cancellation of a Business Licence upon the Premises for which the Business Licence was issued, and such notice will not be removed until the Business Licence is reinstated or the Business ceases to occupy the Premises.

11. NOTICE

- 11.1 The Licence Inspector may deliver written notice to an Applicant or Licencee personally or by mail:
- a) if the Applicant or Licencee is a corporation, by delivering or mailing the notice to the corporation's registered office; or
 - b) by delivering or mailing the notice to the address of the Applicant provided on the application or the address of the Business subject to the Business Licence.

11.2 Notice delivered in accordance with section 11.1 is presumed to have been received by the Applicant or Licencee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

12. RECONSIDERATION BY COUNCIL

12.1 If the Licence Inspector refuses to grant, suspends, cancels or imposes terms and conditions upon a Business Licence, the Applicant or Licencee who is subject to that decision may request that Council reconsider the Licence Inspector's decision, by, within ten (10) business days of the date of receiving notice of the Licence Inspector's decision, deliver to the Corporate Officer a written request stating the grounds upon which the request for reconsideration is based.

12.2 Upon receipt of the written request for reconsideration by the Applicant or Licencee, the reconsideration will be placed on the next Regular Council Agenda.

13. ENFORCEMENT AND PENALTY

Inspection

13.1 Every owner or operator of a Business must provide any information with respect to the Business as the Licence Inspector reasonably requests for the purpose of ensuring that the requirements of this Bylaw are being fulfilled.

13.2 Subject to the Community Charter, the Licence Inspector or any appointed officer of the District engaged in the administration or enforcement of bylaws, are hereby authorized to enter a Premises, vehicle, or other place in respect of which a Business Licence has been applied for or granted pursuant to this Bylaw, at all reasonable times to inspect and determine whether the regulations and requirements of this or any other bylaw and the Business Licence are being observed.

13.3 No person will obstruct the Licence Inspector or any appointed officer of the District engaged in the administration or enforcement of bylaws.

13.4 Any Person who:

- a) contravenes, violates, fails or neglects to comply or do anything required by any provision of this Bylaw; or
- b) suffers or allows any act or thing to be done in contravention of this Bylaw commits an offence and upon conviction will be liable to a fine of not more than two thousand dollars (\$2,000), and where the offence is a continuing one, each day that the offence is continued will constitute a separate offence.

13.5 This Bylaw may be enforced by:

- a) a Peace Officer or the Licence Inspector; or
- b) proceedings brought under the Offence Act.

13.6 A Peace Officer or the Licence Inspector may refer any disputed bylaw notices to the Provincial Court and may represent the District in any related proceedings.

No Duty of Care

13.7 Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to a Business Licence issued under this Bylaw, will be interpreted as giving rise to a cause of action in favour of any person.

READ a first time this 28th day of November, 2023.

READ a second time this 28th day of November, 2023.

READ a third time this 28th day of November, 2023.

RECONSIDERED AND ADOPTED this 12th day of December, 2023.

Mayor

Clerk

SCHEDULE "A"

Business Licence Fee

INDUSTRIAL OPERATION (<i>General Commercial & Industrial</i>)	\$150
ALL OTHER BUSINESSES	\$ 100