

DISTRICT OF LOGAN LAKE

BYLAW 718, 2013

A bylaw for granting and regulating business licenses and related signage within the District of Logan Lake.

WHEREAS the *Community Charter* provides that Council may, by bylaw, regulate businesses; establish a system of licenses, permits or approvals; and delegate its powers, duties and functions to an officer or employee of the District, which delegation may include the authority to suspend or cancel a business license;

AND WHEREAS Council may, by bylaw, regulate and impose requirements for the erection, placing, alteration, maintenance, demolition and removal of signs, sign boards, advertisement and advertising devices and structures;

AND WHEREAS Council deems it necessary and in the public interest to regulate and license businesses and related signs, within the District;

NOW THEREFORE, Council of the District of Logan Lake in open meeting assembled enacts as follows:

1) This bylaw may be cited for all purposes as "District of Logan Lake Business License and Regulations Bylaw 718, 2013".

2) Definitions:

For the purposes of this Bylaw, the following definitions shall apply:

"Accommodation Rental Units" means rental units located in the following zones, of the current District of Logan Lake Zoning Bylaw, under R5 – Medium Density Multiple Family Residential; C1- Town Centre Commercial; C3 – Highway Commercial and C4 – Mixed Commercial Residential; and or within a 'bed and breakfast' business.

"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.

"Business Sign" means any visual medium, including its structure and other component parts, or banner, illuminated or non-illuminated, which is visible from any public street or adjacent property or any lettering, words, pictures or symbols which identify, describe, illustrate, advertise or draw attention to the business products, place, activity or service.

"Bylaw Enforcement Officer" means any person appointed from time to time by District Council and also includes any person lawfully acting in the capacity of Bylaw Enforcement Officer;

"Carnival/Circuses/Special Event" means any show having mechanical devices such as ferris wheels, roundabouts or other rides or concessions; any exhibit, exhibition or show where animals are made to perform; and any show or exhibition which displays for the public, invites the public to participate in or entertains the public on a temporary basis only, on premises rented, leased or otherwise obtained for the purposes thereof, and to which the public is either generally invited whether or not an admission fee is charged. If animals are involved, current vaccination certificates, approved by a Veterinarian, must be produced.

"District" means the District of Logan Lake.

"Fire Inspector" means a member of the Logan Lake Fire Rescue Service who is authorized to carry out fire inspections in the District.

"Home Based Business" means any trade, business, profession, or other occupation carried on for remuneration in a dwelling unit, which is secondary to the principal residential use of the dwelling unit.

"Home Based Business Sign" means a sign containing the name, occupation of a home based business, phone number and hours of operation.

"License" means a valid and subsisting business license issued pursuant to this bylaw.

“**Licensee**” means the person who holds a valid business license.

“**License Inspector**” means the Corporate Officer, or the person designated by the Chief Administrative Officer as the person responsible for business licensing.

“**Mobile Vendor**” means a person who, either on his 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.

“**Non-Resident Business**” means a business, other than a Resident Business or a Home-Based Business, carried on in the District or with respect to which any work, sales, or service is performed in the District.

“**Premise(s)**” means a building, portion of a building or an area of land where a business is carried on.

“**Resident Business**” means a business carried on, in or from premises within the District, other than a Home-Based Business.

3) License Requirements:

- a) For the purposes of this bylaw, any person who conducts any business within the District shall be deemed to be operating or carrying on a business and shall require a license.
- b) Every person who operates a business from more than one premise in the District must apply for and maintain a separate license in respect of each premise.
- c) Every person who operates more than one home based business at one premises, must apply for and maintain a separate license in respect of each business. The first business license fee shall be as outlined in Schedule “B” and each subsequent business license fee shall be charged at 50% of the original fee, subject to the requirement of a Fire Inspection, to a maximum of three home based business licenses per premise.
- d) Every application to carry on a business that will occupy real property in the District is subject to the requirement of a Fire Inspection, completed by the Fire Inspector.
- e) Contractors or personnel hired by the District of Logan Lake directly, are not required to have a business license for any work related to the said contract or hiring terms.

4) License Application, Fees and Terms:

- a) An application for a business license shall be submitted on Schedule “A”, which is attached to and forms a part of this bylaw and be accompanied by the fee prescribed in Schedule “B” which is attached to and forms a part of this bylaw.
- b) New licenses are in effect for the year in which they are purchased and new licenses purchased after June 30th in each year, will cost 50% of the fee as prescribed in Schedule “B”.
- c) A one-day temporary license may be granted for a mobile vendor in accordance with the fees specified in Schedule “B”.
- d) License renewals are issued in January each year, by mailing out business license invoices.
- e) A 10% penalty will apply to license renewals that are not paid in full by February 28th in each year.
- f) No reduction or refund of the annual license fee paid pursuant to this bylaw shall be made by the District to any Licensee ceasing to own or operate the business for which the license was issued, nor will there be any refund in the event a business license is cancelled or suspended.

5) Inspections:

Every Licensee shall permit reasonable access by the License Inspector, Bylaw Enforcement Officer or Fire Inspector to any premises for which a license is sought or has been granted, and shall provide such information with respect to the business as the License Inspector reasonably requests for the purpose of ensuring that the requirements of this bylaw are being fulfilled. Inspectors must show identification prior to inspections.

6) License Changes:

- a) Every Licensee shall notify the License Inspector in writing within thirty (30) days, of termination of operation of the business.
- b) No Licensee shall make a change to a business including but not limited to:
 - i) the location of the business premises,
 - ii) the business name,
 - iii) the type of business, or
 - iv) the term or condition on which the license was issuedwithout notifying the License Inspector and upon paying a \$25.00 change fee.
- c) An application to relocate an existing Resident business to a new location will require an additional fire inspection report.

7) License Issuance:

- a) The License Inspector may grant a license, when satisfied that the business has complied with zoning, fire inspection, health, sanitation and business licensing requirements of the District and/or other agencies.
- b) A license authorizes only the person named in the license, or their employees, to carry on only the business described in the license, and only at the premises or locations described in the license.
- c) Issuance of a license is not a representation or warranty that the licensed business or the business premises complies with the bylaws of the District or with any other regulations or standards.

8) Display of License:

- a) Every Resident Business or Home-Based Business must display the license in a conspicuous place to which the public has access at the premises for which the license is issued.
- b) Where a Non-Resident Business Licensee has no permanent business premises in the District, the license shall be carried upon the Licensee's person at all times when the Licensee is engaged within the District in the business for which the license was issued.

9) Refusal, Suspension or Cancellation of a License:

- a) An application may be refused by the License Inspector in any specific case, provided that:
 - i) the application may not be unreasonably refused; and
 - ii) the License Inspector must give written reasons for the refusal.
- b) If the License Inspector refuses to grant a license, the applicant who is subject to the decision is entitled to have Council reconsider the matter within thirty days.
- c) A license may be suspended or cancelled by the License Inspector, if:
 - i) the Licensee fails to comply with this bylaw or a term or condition of the license.
 - ii) the Licensee is convicted of an indictable offence in Canada, which offence is, in the opinion of the License Inspector, directly related to the business;
 - iii) the Licensee is convicted of an offence under any Municipal bylaw or Provincial or Federal enactment in respect of the business for which the Licensee is licensed or with respect to the premises for which the license was issued; or
 - iv) the Licensee has ceased to meet the lawful requirements to carry on the business for which the Licensee is licensed or with respect to the premises for which the license was issued.
- d) The suspension of a license by the License Inspector shall be made in writing, signed by the License Inspector and served on the licensee or delivered to the licensee by registered mail to the address given by the licensee on the application form for the license.
- e) A notice of suspension may be posted by the License Inspector upon the premises for which the license was issued and the notice shall not be removed until the license is reinstated, or the suspended licensee ceases to occupy the premises, or a new license is issued for the premises.

- f) For bylaw infractions (with the exception of health or safety issues), businesses shall receive a written explanation of the infraction and have 30 days from the mailing date, to remedy the infraction.
- g) No person shall carry on a business for which a license required by this bylaw is under suspension.

10) Appeal Procedures:

- a) Any person whose license has been suspended or cancelled must be given written notice of the suspension or cancellation and be given an opportunity to appear before Council within 30 days. The applicants appeal shall state the grounds upon which the appeal was made and the reasons for the appeal. Following the appeal, Council may confirm or set aside decisions made by the License Inspector and the applicant will be notified of Council's decision, which is final.
- b) A notice of hearing shall be made in writing, outlining the time, date, and place of the hearing and be served on the licensee or delivered to the licensee by registered mail, to the address shown on the application for the license, one month (30 days), in advance of the hearing.

11. Business Signs:

- a) No person, owner or tenant shall permit a business sign to remain in place which is unsafe for persons or property, identifies a use incorrectly, or is in an overall state of dilapidation, disrepair, or abandonment.
- b) No person, owner or tenant shall permit a business sign to remain on a building, structure or property, when the business the sign pertains to is no longer operating.
- c) The owner of the building and/or property where the business was operated and/or sign is displayed, is responsible for removal of the business sign.

12) Offences and Penalties:

- a) Every person who:
 - i) owns, operates or carries on a business for which a license is required, without holding a current license for that business;
 - ii) fails to display a current license;
 - iii) fails to provide any information or documentation as may be required;
 - iv) carries on or remains open for business after receiving notice, subject to Section 9 (f), that a license has been suspended or cancelled or after the license has expired;
 - v) fails to comply with the terms and conditions of a license issued;
 - vi) fails to remove an unsafe business sign and/or repair and/or maintain a business sign; or
 - vii) fails to remove a business sign, when the business the sign pertains to, has ceased operating for 60 days,
 shall be deemed to have committed an offence and shall be liable to the penalties hereby imposed.

Bylaw Offence	Section	Penalty
No business license	12)a)i)	\$100.00
Failure to display business license	12)a)ii)	\$ 50.00
Failure to provide information required	12)a)iii)	\$ 50.00
Operate business after notice of suspension or cancellation	12)a)iv)	\$100.00
Failure to comply with terms of business license	12)a)v)	\$ 50.00
Failure to remove an unsafe business sign and/or repair and/or maintain a business sign	12)a)vi)	\$100.00
Failure to remove a business sign when the business is no longer operating	12)a)vii)	\$500.00

- b) Each day that any violation of a provision of this bylaw continues, may be deemed to be a separate offence.
- c) Payment of penalties are accepted at the District office at 1 Opal Drive, Logan Lake, BC

13) General Provisions:

- a) Business Licensees are subject to the regulations as defined in other applicable District bylaws (i.e. Zoning, Noise).
- b) District of Logan Lake Business License 480, 1998 and all amendments thereto, are hereby repealed.
- c) This bylaw shall come into full force and effect on January 1, 2014.

READ A FIRST AND SECOND TIME this 21st day of May, 2013.

READ A THIRD TIME this 21st day of May, 2013.

RECONSIDERED AND ADOPTED this 4th day of June, 2013

Mayor (M. Dosch)

(Chief Administrative Officer (W. Vollrath))

Schedule "A"
Business License and Regulations Bylaw 718, 2013
Business License Application [Page 1 of 3]

1. APPLICATION

- New Business License Application (2013 @ \$80.00) and (2014 and forward @ \$100.00)

- Change of existing Business License (\$25.00):
 - Location Name Ownership Type

2. GENERAL INFORMATION

(a) Business Name and Address

Business Name: _____
Business Location Address: _____
Business Mailing Address, if different: _____
Business Telephone Number: _____

(b) Owners Information

Name of Business Owner: _____
Address of Business Owner: _____
Telephone Number: _____ Cell: _____
Email: _____ Fax: _____
Alternate Telephone: _____ Cell: _____

(c) Agent or Manager Information:

[Business Agent or Manager contact information, if different from above]

Name: _____
Address: _____
Telephone: _____ Cell: _____
Email: _____ Fax: _____
Alternate Telephone: _____ Cell: _____

(d) Business Information:

Description of Business Activity:

Number of persons working in the business: Owner(s): _____ Employees: _____

Have you previously had a District business license: ___ Yes ___ No

Schedule "A"
Business License and Regulations Bylaw 718, 2013
Business License Application [Page 2 of 3]

(e) Business License Changes (\$25.00):

The Business License is being changed as follow:

New Location of Business Premises: _____

New Business Name: _____

New Type of Business: _____

New Terms or Conditions of Business License: _____

4. ACCOMMODATION RENTAL UNITS (Located in R5, C1, C3, C4 Zones and/or Bed and Breakfast)

(a) Type of rental units: _____

(b) Number of rental units: _____

5. HOME BASED BUSINESS DECLARATION

[If you are applying for a Home Based Business License, you must read and sign this declaration.]

Home Based Businesses must comply with the following regulations:

1. No outdoor storage of material associated with the home based business is permitted.
2. A maximum of one (1) sign per parcel is permitted when advertising a home based business and shall not exceed 24" x 24" (4 sq ft) in area and shall not be illuminated.
3. The home based business shall be carried out wholly within a dwelling or permitted accessory building.
4. No retail sales other than the sale of goods produced on the premises is permitted.
5. Up to one (1) person, in addition to family members residing in the dwelling, may be engaged in the home business.
6. The home based business shall not occupy more than 50 m2 of the dwelling and accessory building.
7. The home based business shall not occupy more than 25% of the gross floor area of the dwelling.
8. A home based business may not include:
 - a) Stables, kennels or animal breeding operations;
 - b) Restaurants;
 - c) Parking or storage of commercial, industrial or construction equipment and material;
 - d) Vehicle or equipment repair and maintenance;
 - e) Metal fabricating;
9. No commercial vehicles exceeding 4,500 kg licensed gross vehicle weight are permitted to be parked or stored on the parcel unless completely enclosed within a building.
10. A maximum of one commercial vehicle used for the home based business is permitted on the parcel unless completely enclosed in a building.
11. A person operating a home based business shall possess a District of Logan Lake Business License.

I agree to abide by the above regulations regarding my home based business.

Signature

Date

6. BUSINESS LICENSE DELCARATION [All applications must be signed]

IT IS AN OFFENCE TO MAKE A FALSE DECLARATION

I declare that the above statements of facts are correct in accordance with the particulars of this application. Neither I nor my business has had any previous business license revocation, suspensions or convictions with regards to the operation of any business. I agree to comply with all applicable District of Logan Lake bylaws, the provisions of the Community Charter and all related Provincial and Federal codes, acts and regulations.

Signature of Applicant

Date

Signature of Agent or Manager

Date

FOR OFFICE USE ONLY:

- Home Based Business Resident Business Non-Resident Business

Approvals	Approved by:	Date:	Comments:
Zoning:	_____	_____	_____
Fire Inspection:	_____	_____	_____
Health:	_____	_____	_____
Other:	_____	_____	_____
Issued this _____ day of _____, 20_____.			
License Inspector: _____		Fees Paid: _____	

Schedule "B"
Business License and Regulations Bylaw 718, 2013
Annual Business License Fees

	2014	2015 and forward
<u>1) Initial Business License Application (January 1st to June 30th):</u>		
i) Accommodation Rentals		
- to a maximum of 15 rooms	\$ 80.00	\$100.00
- and per room over 15 rooms	\$ 5.00	\$ 10.00
ii) Carnival/Circus/Special Event	\$250.00	\$300.00
iii) Financial Institutions	\$250.00	\$300.00
iv) Home Based (without Fire Inspection)	\$ 40.00	\$ 50.00
Home Based (with Fire Inspection)	\$ 80.00	\$100.00
2 nd and 3 rd Home Based Business	50% rate reduction	
v) Non-Resident and/or Resident	\$ 80.00	\$100.00
vi) One Day License (Mobile Vendor)	\$ 25.00	\$ 25.00
<u>2) Initial Business License Application (July 1st to December 31st):</u>		
i) Accommodation Rentals		
- to a maximum of 15 rooms	\$ 40.00	\$ 50.00
- and per room over 15 rooms	\$ 2.50	\$ 5.00
ii) Carnival/Circus/Special Event	\$250.00	\$300.00
iii) Financial Institutions	\$125.00	\$150.00
iv) Home Based (without Fire Inspection)	\$ 20.00	\$ 25.00
Home Based (with Fire Inspection)	\$ 40.00	\$ 50.00
2 nd and 3 rd Home Based Business	50% rate reduction	
v) Non-Resident and/or Resident	\$ 40.00	\$ 50.00
vi) One Day License (Mobile Vendor)	\$ 25.00	\$ 25.00
<u>3) Business License Renewal (January 1st to February 28th):</u>		
Same as 1) above.		
<u>4) Business License Renewal (March 1st to December 31st) Plus 10% penalty):</u>		
i) Accommodation Rentals		
- to a maximum of 15 rooms	\$ 88.00	\$110.00
- per room over 15 rooms	\$ 5.50	\$ 10.00
ii) Financial Institutions	\$275.00	\$330.00
iii) Home Based (without Fire Inspection)	\$ 44.00	\$ 55.00
Home Based (with Fire Inspection)	\$ 88.00	\$110.00
2 nd and 3 rd Home Based Business	50% rate reduction	
iv) Non-Resident and/or Resident	\$ 88.00	\$110.00
<u>5) Business License Change Fee:</u>		
i) the location of the business premises	\$ 25.00	\$ 25.00
ii) the business name	\$ 25.00	\$ 25.00
iii) the type of business	\$ 25.00	\$ 25.00
iv) the term or condition on which the license was issued, has changed	\$ 25.00	\$ 25.00