

TOWN OF LADYSMITH

**BYLAW NO. 1513, 2003**

**A Bylaw for the Licensing of Businesses**

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WHEREAS the Local Government Act empowers Council to require an owner or operator of a business to hold a valid and subsisting license for the business, to fix and impose license fees for businesses and to provide for the collection of license fees and the granting, issuance and transfer of licenses;

The Municipal Council of the Town of Ladysmith, in open meeting assembled, enacts as follows:

**1. Title**

- 1.1 This Bylaw may be cited for all purposes as "Business License Bylaw No. 1513, 2003".

**2. Interpretation**

- 2.1 In this Bylaw:

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

"Intermunicipal Business License Agreement" means the agreement attached to and forming part of the "Intermunicipal Business License Agreement Bylaw 2003, 1496.

"Intermunicipal License" means a business license issued by the License Inspector of the Town of Ladysmith or another participating Municipality, to carry on business within the boundaries of any participating municipality and issued pursuant to the Intermunicipal Business License Agreement.

"License" means a license to carry on business issued pursuant to Section 7 of this Bylaw.

"License Inspector" means the person appointed by Town Council from time to time to administer this Bylaw.

"Participating Municipality" means a municipality which is party to the Intermunicipal Business License Agreement.

- 2.2 This Bylaw is enacted subject to the Local Government Act and terms defined in the Act have the same meaning in this Bylaw.

- 2.3 Schedules "A" and "B" form part of this Bylaw.

**3. License Requirement**

- 3.1 No person shall carry on a business within the Town of Ladysmith unless a valid and subsisting license has been issued for the business.

- 3.2 A person who carries on business from more than one location shall obtain a license under this Bylaw for each business location.

#### **4. License Application**

- 4.1 The owner or operator of every business shall make application to the License Inspector for a business license prior to commencing operation, by completing an application generally in the form attached as Schedule "A" to this Bylaw.
- 4.2 An application for a mobile business shall be treated as an application for an Intermunicipal Business License.

#### **5. License Fees**

- 5.1 Business license fees shall be in accordance with section 5 of Intermunicipal Business Licence Agreement Bylaw 2003, No. 1496.
- 5.2 A 25% penalty will be added to each unpaid Business License as at March 1 in each year.
- 5.3 For new businesses applying after July 1 in any year, the fee may be reduced to one-half the annual fee.
- 5.4 If an application for a license is withdrawn in writing prior to issuance of the license, the license fee may be refunded to the applicant.
- 5.5 No license fee shall be refunded after the issuance of a license.
- 5.6 All license fees collected under this Bylaw shall be forwarded to the Collector.
- 5.7 When a person begins to carry on a business prior to July 1 in any year and fails to apply for a license until after July 1 in that year, the license fee prescribed in Section 5.1 above shall not be reduced.

#### **6. License Periods**

- 6.1 Except as otherwise provided in the Local Government Act, business Licenses shall be issued for a calendar year and shall expire on December 31 of each year.

#### **7. License Issuance and Conditions**

- 7.1 When the License Inspector is satisfied that an applicant has complied with the bylaws of the Town of Ladysmith regulating building, zoning, health, sanitation and business, the License Inspector shall issue the license in accordance with the application, subject to the requirements of this Bylaw and subject to the provisions of the Local Government Act.
- 7.2 A license shall be generally in the form attached as Schedule "B" to this Bylaw.
- 7.3 Every License issued under this Bylaw is deemed to be a personal License granted to the Licensee, to carry on the business specified in the License from the premises specified in the License, and is not transferable to any other person.
- 7.4 The owner or operator of a business shall not change the location of the business without first obtaining a transfer of the License for that business in accordance with Section 8 of this Bylaw.
- 7.5 Every owner or operator of a business shall notify the License Inspector of any change in that person's mailing address and any change in the name of the business.

- 7.6 The owner or operator of every business shall post and maintain in a conspicuous place on the business premises or the chattel in respect of which the License is issued, the License issued for that business.

#### **8. License Transfers**

- 8.1 No person shall change the location of a business unless application for a License transfer is made to the License Inspector and is approved by the License Inspector prior to the change in location.
- 8.2 A License transfer shall not be approved unless the License Inspector is satisfied that the premises to which the business is proposed to be relocated complies with the building, zoning, health, sanitation and business regulation bylaws of the Town of Ladysmith.

#### **9. License Renewals**

- 9.1 Each year following the calendar year in which a license is first issued, a license renewal form may be forwarded to the holder of every license.
- 9.2 No license holder shall carry on business without renewing the license and paying the annual fee prior to February 28 in each year that the business is carried on.
- 9.3 When the annual license fee is not paid in accordance with Section 9.2, the license shall be deemed to be revoked.

#### **10. License Suspensions**

- 10.1 The License Inspector may, in accordance with the Local Government Act and subject to the right of appeal provided in the Act, suspend a license for the period determined by the License Inspector if the holder of the license:
- (a) is convicted of an indictable offence;
  - (b) is convicted of an offence under any municipal bylaw or provincial statute in respect of the business or premises for which the holder is licensed;
  - (c) has, in the opinion of the License Inspector, been guilty of such gross misconduct in respect of the business or the premises that suspension is warranted;
  - (d) has ceased to meet the lawful requirements to carry on the business or with respect to the premises named in the license; or
  - (e) has, in the opinion of the License Inspector, conducted business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen years, anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.
- 10.2 Written notice of suspension of a license shall be delivered to the licensee personally or by registered mail, provided that delivery of the notice of suspension is not required when the licensee cannot be found following reasonable efforts by the License Inspector.

**11. Inspections**

11.1 The License Inspector or Building Inspector are authorized to enter upon any property at all reasonable hours, to ascertain whether the requirements of this Bylaw are being observed.

**12. Enforcement**

12.1 A person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and shall be liable to a fine not exceeding \$2,000.00, to imprisonment not exceeding six months, or to both.

12.2 License fees imposed under this Bylaw are a debt due to the Town of Ladysmith and the License Inspector or Collector may initiate action in a court of competent jurisdiction for the recovery of unpaid license fees.

12.3 When a license has been suspended or revoked, the License Inspector may post a notice of suspension or notice of revocation on the premises in respect of which the license was issued, prohibiting the continued operation of the business from those premises.

**13. Schedules**

Schedule "A" (application form)  
Schedule "B" (license form)

**14. Repeals**


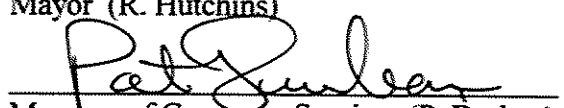
Business Licence Regulation Bylaw 1987, No. 876 and all amendments thereto are hereby repealed.

READ THE FIRST TIME on the 01 day of December, 2003.

READ THE SECOND TIME on the 01 day of December, 2003.

READ THE THIRD TIME on the 01 day of December, 2003.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Ladysmith on the 15 day of December, 2003

  
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Mayor (R. Hutchins)  
  
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Manager of Corporate Services (P. Durban)

I hereby certify the above to be a true and correct copy of "Business Licence Bylaw 2003, No. 1513."

  
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Manager of Corporate Services