

TOWN OF LADYSMITH



“Business License Bylaw 2003, No. 1513”

*Consolidated Version as on October 15, 2018
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

December 15, 2003
Includes Amendment Bylaw Nos.: 1870, 1981

TOWN OF LADYSMITH

BYLAW NO. 1513, 2003

A Bylaw for the Licensing of Businesses

Bylaw 1981

WHEREAS the *Community Charter* 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.

Bylaw 1981

"Odour Abatement Plan" means an odour impact assessment and odour control plan identifying odour control measures and equipment, such as an air filtration / ventilation system, to prevent the escape of odours from the permitted use of buildings or structures on the land.

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

Bylaw 1981

2.2 This Bylaw is enacted subject to the *Community Charter* and terms defined in the Charter 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

Bylaw 1981

- 5.1 Business license fees shall be in accordance with section 5 of Intermunicipal Business License Agreement Bylaw 2003, No. 1496.
- 5.1.1 Despite Section 5.1, the business licence fee for cannabis cultivation, production and research authorized by a licence under the *Cannabis Act* and its regulations shall be \$450.00 for the initial business licence or a change of location and \$200.00 in subsequent years.
- 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

Bylaw 1981

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

7. License Issuance and Conditions

- Bylaw 1981* 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 *Community Charter*.
- 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

- Bylaw 1981* 10.1 The License Inspector may, in accordance with the *Community Charter* and subject to the right of appeal provided in the Charter, 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. Liquor Licenced Establishments

Bylaw 1870
Bylaw 1981

- 11.1 Despite section 7.1, in the case of a business licence for a business licensed under the *Liquor Control and Licensing Act* (British Columbia), the business licence shall be considered by Council under this section prior to issuance.
- 11.2 Council is hereby authorized to impose such terms and conditions as it considers reasonable on a licence under this Bylaw for a business licenced under the *Liquor Control and Licensing Act* (British Columbia), in the nature of:
- (a) controlling patron behaviour both inside and outside a licenced establishment, including but not limited to one or more of the following:
 - (i) maintaining orderly entrance and dispersal of patrons,
 - (ii) suppression of noise,
 - (iii) discouraging vandalism,
 - (iv) discouraging unlawful activities, and
 - (v) suppression of other nuisance behaviour.
 - (b) safety and security of patrons and the public both inside and outside the licenced establishment, including one or more of the following:
 - (i) patron screening and door control,
 - (ii) provision of security staff and monitoring conduct of patrons,
 - (iii) installation and operation of closed circuit video cameras at all entrances and exits of the licenced establishment,
 - (iv) full cooperation with the R.C.M.P. and Town Staff in the performance of their duties and in resolving concerns related to the establishment that may arise,
 - (v) the wearing of identification nameplates by on-duty staff,
 - (vi) maintaining a list showing the full identification of on-duty staff and making the list available to the R.C.M.P. and Town Staff upon request.

- (c) responsible serving of alcoholic beverages including one or more of the following:
 - (i) over-service of patrons,
 - (ii) patron capacity,
 - (iii) price reductions and promotions,
 - (iv) free telephone available for making transportation arrangements,
 - (v) Designated Driver Program, including the sale of non-alcoholic beverages at prices which are below those set for alcoholic beverages.

- (d) condition of premises and nearby surrounding area including but not limited to:
 - (i) exterior condition and appearance of premises,
 - (ii) inspection and cleanup of litter.

Bylaw 1981

12. Cannabis Processing, Cannabis Micro-Processing, Cannabis Micro-Cultivation and Cannabis Research and Development

- 12.1 No business licence shall be issued for Cannabis Processing, Cannabis Micro-Processing, Cannabis Micro-Cultivation and Cannabis Research and Development, authorized by Licence under the *Cannabis Act* and its regulations, if:
 - 12.1.1 Any portion of the building in which the business premise is located falls within 500 meters, measured in a straight line, of a lot line of a property located within a zone in "Town of Ladysmith Zoning Bylaw 2014, No. 1860", as amended from time to time, that permits any residential use of the land, building or structure, unless an Odour Abatement Plan has been prepared and the required air filtration / ventilation system is operational as verified by a mechanical engineer.

- 12.2 No business licence shall be transferred to a new location unless the conditions in section 12.1 have been met.

- 12.3 No business licence shall be renewed unless the business owner provides to the Town of Ladysmith a record from a qualified person demonstrating the performance of the Odour Control Plan at the location where the business operation occurs, for the previous twelve (12) month period, or a lesser period if the business licence was issued for less than twelve (12) months.

13. Inspections

- 13.1 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.

14. Enforcement

- 14.1 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.
- 14.2 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.
- 14.3 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.

15. Schedules

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

16. Repeals

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

SCHEDULE 'A'

Town of Ladysmith

410 Esplanade
 PO Box 410
 Ladysmith, BC V9G 1A2
 Telephone: (250) 245-6400
 Fax No.: (250) 245-6411



BUSINESS LICENCE APPLICATION

The information gathered on this form will be used to administer Municipal bylaws, is collected under the authority of the *Local Government Act* and the Business Licence Bylaw, and may be released to other parties upon request. If you have a business premises, this application must be made to the Municipality in which your premises is located. If you have any questions about this application, please phone the business licence officer at 245-6400.

Name of Business:	
Type of Business:	
Business Street Address:	
Business Mailing Address:	
Business Telephone Number:	Business Facsimile Number:
Trades Qualification Number (if applicable):	
Type of Licence: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input type="checkbox"/> Update <input type="checkbox"/> Inter-Municipal	
Renew Licence Annually? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commercial: <input type="checkbox"/> Yes <input type="checkbox"/> No Square Footage of Area: _____	
Approximate Number of Employees: _____	Number of Seats (if restaurant/cafe/pub): # _____ Liquor Licence Occupancy: # _____
Residential: <input type="checkbox"/> Yes <input type="checkbox"/> No	
If residential, provide a complete description of what you intend to do, including, specifically, where will you be conducting the business and approximately how much square footage the business will occupy. _____ _____	
I agree that I will comply with all applicable bylaws, statutes and regulations relating to this application.	
Owner's Name (print) _____	Owner's Signature _____
Date Signed _____	

OFFICE USE ONLY

Planning Department	
What is the current zoning of the place of business?	
Is the business a permitted use under the zoning bylaws? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____	
Date (YY/MM/DD)	Signature of Planner

Building Department	
Does the building meet requirements for this type of business? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Do you recommend inspection by the Public Health Inspector? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Comments: _____	
Date (YY/MM/DD)	Signature of Building Inspector

Referrals	
Public Health Inspector	<input type="checkbox"/> Yes <input type="checkbox"/> No
RCMP	<input type="checkbox"/> Yes <input type="checkbox"/> No

Finance Department		
Payment Amount:	Classification:	Posting Date:
Payment Date:	Copy to Engineering:	Account Number:

<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque	Phone (when approved):	Initials:
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Business Licence Department

Application Approval Date:

Signature of Business Licence Officer:

SCHEDULE 'B'

Town of Ladysmith
410 Esplanade
Box 220
Ladysmith, BC V9G 1A2
Telephone: (250) 245-6400
Fax No.: (250) 245-6411



BUSINESS LICENSE

LOCATION OF BUSINESS

LICENSE EFFECTIVE

FROM:
TO:

NAME AND ADDRESS OF BUSINESS

LICENSE NO.:
CUSTOMER NO.:

License Fee: Balance:

THIS IS TO CERTIFY that the Licensee has paid the required License fee and is entitled to carry on business as indicated within the Corporation of the Town of Ladysmith, in a lawful manner and subject to the provisions of all bylaws in effect. This License is personal and cannot be transferred, except through the Bylaw Division as the bylaws direct.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISE

CASH REGISTER IMPRESSION CONSTITUTES OFFICIAL LICENSE