



City of Duncan

Business Licence Bylaw 1960, 2003 (With Amendments to September 20, 2010)

Consolidated for Convenience Only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject

This Bylaw has been consolidated for convenience and includes amendments from:

Bylaw No. 2038, 2007 – Adopted November 13, 2007
Bylaw No. 2097, 2010 – Adopted September 20, 2010

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 1960, 2003

A Bylaw for the Licensing of Businesses

Whereas Part 11 of 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 City of Duncan, in open meeting assembled, enacts as follows:

1. Title

- 1.1 This Bylaw may be cited for all purposes as the "Business License Bylaw No. 1960, 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, 1955.

"Intermunicipal License" means a business license issued by the License Inspector of the City of Duncan 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 City 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 Part 11 of the Local Government Act and terms defined in that Part 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 City of Duncan 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

Amend# 2097

5.1 Business licence fees shall be in accordance with those specified by Council by Bylaw.

Amend# 2097

5.2 A penalty, as specified by Council by Bylaw, 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.

Amend# 2097

5.7 When a person begins to carry on a business prior to July 1 in any year and fails to apply for a licence until after July 1 in that year, the licence fee, as specified by Council by Bylaw, shall not be reduced.

6. License Periods

6.1 Except as otherwise provided in Part 11 of 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 City of Duncan 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 Section 658 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 City of Duncan.

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 March 31 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 Section 660 of 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, Building Inspector, Treasurer and Administrator are authorized to enter upon any property at all reasonable hours, to ascertain whether the requirements of this Bylaw are being observed.

12. Enforcement

Amend# 2038

- 12.1 Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine of not less than \$50.00 or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offense Act*, as amended, and the cost of prosecution.

Amend# 2038

- 12.1.1 Where an offence under this Bylaw is of a continuing nature, each day that the offence continues or is permitted to exist shall constitute a separate offence.

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

- 12.4 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

Bylaw No. 1909, 2000 is hereby repealed.

READ THE FIRST TIME on the 24th day of November, 2003.

READ THE SECOND TIME on the 24th day of November, 2003.

READ THE THIRD TIME on the 24th day of November, 2003.

RECONSIDERED, FINALLY PASSED and ADOPTED by the
Municipal Council of the City of Duncan on the 8th day of
December, 2003.

Clerk of the Municipal Council
of the Corporation of the City
of Duncan.

Mayor.

I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. 1960 of The
Corporation of the City of Duncan, being "Business License Bylaw No. 1960, 2003" as
reconsidered, finally passed and adopted on the 8th day of December, 2003.

Dated at Duncan, B.C.
this day of

City Clerk.

City of Duncan
 200 Craig Street
 PO Box 820
 Duncan, BC V9L 3Y2
 Telephone: (250) 746-6126
 Fax No.: (250) 746-6129



BUSINESS LICENSE 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 License 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 License officer at 746-6126.

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 License: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer <input type="checkbox"/> Update	<input type="checkbox"/> Inter-Municipal
Renew License 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): # _____
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Residential: Yes 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) Inspector	Signature of Building

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:

Business License Department	
Application Approval Date:	
Signature of Business License Officer:	

City of Duncan
200 Craig Street
Box 820
Duncan, BC V9L 3Y2
Telephone: (250) 746-6126
Fax No.: (250) 746-6129



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 City of Duncan, 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
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