

## CITY OF MERRITT

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### BYLAW 2268 BUSINESS LICENCE BYLAW

**WHEREAS** the *Community Charter* permits a Council to provide for a system of licences, permits or approvals;

**AND WHEREAS** Council of the City of Merritt deems it necessary to authorize and regulate the issuance of and the levying and collecting of licence fees in respect to the trades, occupations, professions and businesses hereinafter set forth;

**NOW THEREFORE** the Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### 1. Citation

1.1. This Bylaw shall be cited as “Business Licence Bylaw No. 2268, 2019.

#### 2. Repeal

2.1. “City of Merritt Business Licence Bylaw No. 2034, 2008” and all amendments thereto are hereby repealed.

#### 3. Definitions

3.1. In this Bylaw, unless the context otherwise requires:

“**Applicant**” means any person who makes an application for a Business Licence under the provisions of this Bylaw.

“**Building Inspector**” means any person appointed from time to time as the Building Inspector for the City and any person acting lawfully in that capacity.

“**Business**” means carrying on a commercial or industrial undertaking of any kind or nature or the providing of a professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government owned corporations, or registered non-profit societies for the purposes of fundraising.

“**Business Licence**” means a licence issued pursuant to this Bylaw and includes Regular Business Licences, Short-term Business Licences and Inter-Community Business Licences.

“**City**” means the City of Merritt.

**“Council”** means the duly elected Council of the City of Merritt.

**“Cross Connection Control Coordinator”** means the person appointed by the City of Merritt to inspect the direct or indirect connection of the City's water supply to any other system, sewer, drain, well, pool, or other device which may be capable of imparting contamination to the public water supply as a result of backflow.

**“Fire Prevention Officer”** means the person appointed by the City of Merritt Fire Chief to ensure that Provincial and Municipal fire safety standards are met.

**“Home Based Business”** means any occupation or profession that is carried out in a dwelling unit or an accessory building to a dwelling unit, by a person who is permanently resident in the dwelling unit, where such occupation or profession, excluding a bed and breakfast use, is clearly incidental or secondary to the use of the dwelling unit for residential purposes

**“Inter-Community Business Licence”** means any valid Business Licence issued under an Inter-Community Business Licence Scheme which has been joined by the City of Merritt.

**“Inter-Community Business Licence Bylaw”** means a Bylaw adopted by the Council of the City of Merritt for the purpose of participating in an Inter-Community Business Licence Scheme.

**“Inter-Community Business Licence Scheme”** means a combination of local governments, including the City of Merritt, who have agreed to issue and mutually recognize business licences for Resident or Non-Resident Businesses.

**“Licence Inspector”** means a person appointed from time to time as Licence Inspector by the City and includes any person lawfully acting in that capacity, including the Corporate Officer and Bylaw Services Officer.

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

**“Police Information Check”** means a Police Information Check obtained from the Royal Canadian Mounted Police, dated within 30 days of its submission, containing all pages issued by the RCMP, and embossed with their seal on each page.

**“Public Market”** means groups of resident and non-resident businesses offering new and used goods, crafts or produce for sale directly to the public.

**“Resident Business”** means a business carried on in or from premises within the City.

**“Regular Business Licence”** means a Business Licence issued to run from the first day

of January to the last day of December annually.

**“Short-term Business Licence”** means a Business Licence issued for a 3 or 6 month period.

#### **4. Licence Required**

4.1. Unless otherwise permitted in this Bylaw, no person shall carry on, maintain, own or operate within the City, a trade, business, profession, occupation or calling without holding a valid and subsisting Business Licence issued under this Bylaw by the Licence Inspector, or an Inter-Community Business Licence issued in accordance with an Inter-Community Business Licence Scheme of which the City of Merritt is a member.

4.2. Any person who,

- a) advertises through any medium, whether digital, physical, or otherwise as being open for business of any kind within the City of Merritt;
- b) deals in or buys, sells, barter or displays things of any kind either on behalf of himself or of any other person within the City of Merritt;

shall be deemed to be carrying on, engaged in, or practicing their respective profession, business, trade, occupation, employment, calling or purpose within the City and requires a Business Licence pursuant to section 4.1.

4.3. A holder of a license shall apply for renewal of the Business Licence prior to the beginning of each licensing period as long as the business, for which the Business Licence is held is carried on, and shall pay to the City the annual Business Licence fee in Schedule "B".

4.4. Persons holding four (4) or less garage or yard sales per calendar year on their residential property are exempt from the Business Licencing requirement set out in section 4.1 of this Bylaw.

4.5. Persons making the occasional sale of personal and/or handmade goods are exempt from the Business Licencing requirement set out in section 4.1 of this Bylaw.

#### **5. Location, Hours, Number of Places of Business**

5.1. No person shall sell, offer for sale, or display goods or canvass or solicit business of any kind whatsoever on any highway, street, lane, sidewalk, or public parking lot within the City except as allowed by this Bylaw.

5.2. Any person wishing to sell, offer for sale, or display goods or solicit business of any kind whatsoever on any highway, street, lane or public parking within the City must obtain the written permission of the Licence Inspector.

- 5.3. Any retailer with a valid Business Licence may exhibit, offer for sale, or display goods on sidewalks immediately abutting and within one (1) metre of their retail premises, provided that such display does not impede pedestrian traffic.
- 5.4. A person who carries on more than one business from any one premise shall obtain a separate Business Licence for each business.
- 5.5. Where a business is carried on from more than one premise in the City, the business carried on from each premises will be deemed a separate business and requires a separate Business Licence.
- 5.6. No person may call at any residence between the hours of 8:00 p.m. and 9:00 a.m. for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind, unless a previous appointment has been made for such call.

## **6. Public Markets**

- 6.1. Any organization(s) holding a Business Licence may make application in accordance with a form available from the City to the City to host a Public Market, in accordance with the provisions of this Bylaw. The Business Licence of the hosting organization will apply to all businesses participating in the Public Market, who will not be required to obtain individual Business Licences.
- 6.2. If the Public Market is being hosted on real property belonging to the City of Merritt, the hosting organization shall:
  - a) be required to maintain comprehensive general liability insurance in the amount of Two Million Dollars (\$2,000,000). The City shall be included as additional named insured and the organization shall hold the City harmless against any claims, actions for injury, damage, loss or death arising out of the operation of the Public Market;
  - b) provide proof of comprehensive liability insurance and a signed liability waiver form shall be submitted to the City and be in a form acceptable to the City, prior to the issuance of a Business Licence.
- 6.3. Any organization(s) hosting a Public Market shall be responsible for any businesses within the Public Market, including ensuring that all regulations and requirements of the City of Merritt bylaws are adhered to.

## **7. Licence Application and Fee**

- 7.1. An Applicant shall complete the application form supplied by the City for the purpose of issuing Business Licences. The application shall be signed by the owner of the business or their duly authorized agent. In the case of a partnership or multiple owners, any one of such partners or owners may apply and such partner or owner applying shall

be deemed to be the duly authorized agent of all the partners or owners.

- 7.2. The City will commence processing of an application upon delivery of the application form and the applicable Business Licence application fee set out in Schedule “A”. Where the proposed Business requires approval by the Public Health Inspector, or other non-municipal inspector, the Applicant is responsible for acquiring these approvals and supplying them to the City in support of the Business Licence application. Incomplete applications will not be processed.
- 7.3. Pursuant to Provincial or Municipal legislation, an application may require inspection and approval of the Building Inspector, the Fire Prevention Officer and/or the Cross Connection Control Coordinator.
- 7.4. At the time of issuance of a Business Licence, the Applicant shall pay for inspections in accordance with Schedule “A” and the Business Licence Fee in accordance with Schedule “B”.
- 7.5. Licence application fees paid pursuant to this Bylaw are not refundable.
- 7.6. Short-term Business Licences shall be available for periods of three calendar months, or six calendar months from the date of issue. A Short-term Business Licence will not be automatically renewed by the City.
- 7.7. The City may require the Applicant to supply a Police Information Check to the Licence Inspector before the application will be approved. In the case of a partnership of multiple owners, a Police Information Check may be required for each partner or owner.
- 7.8. An Applicant may apply for an Inter-Community Business Licence, in a scheme of which the City of Merritt is a member, at the same time as or at any time after they apply for a Regular Business Licence. The issuance and regulation of an Inter-Community Business Licence is governed by the applicable Inter-Community Business Licence Bylaw.

## **8. Prorating**

- 8.1. In the first year it is issued, the fee for a Regular Business Licence, as set out in Schedule “B”, will be pro-rated on a monthly basis.

## **9. Issuing of Licences**

- 9.1. The Licence Inspector is hereby authorized to grant, issue or transfer Business Licences where the Applicant has complied with all City and provincial legislation pertaining to the Business.
- 9.2. Where approvals are required, the Licence Inspector shall not issue a Business Licence until written approval is obtained from the Building Inspector, Fire

Prevention Officer, Cross Connection Control Coordinator, Medical Health Officer, Technical Safety BC Inspector, or any other official concerned with the administration and enforcement of the laws referred to in section 9.1.

## **10. Changes Affecting a Licence**

10.1. A person granted a Business Licence under this Bylaw shall:

a) notify the Licence Inspector within ten days of any change in the Business phone number, mailing address or other contact information; and

b) notify the Licence Inspector when the Business Licence is no longer required.

10.2. Where a change to a Business Licence requires re-inspection by any of the inspectors listed in section 7.3, the Business Licence holder shall be responsible for all associated re-inspection fees as set out in Schedule “A”.

10.3. No person shall transfer a Business to another person without first obtaining a transfer of the Business Licence by the Licence Inspector. The proposed new owner must supply to the City a completed Business Licence Application form as though they were registering a new business, which may require a Police Information Check. The fee for a transfer shall be as listed in Schedule “B”.

10.4. A Business Licence cannot be transferred to a new premise.

## **11. Licence to be Displayed**

11.1. The Applicant shall at all times keep their Business Licence(s) prominently displayed within the view of the public at the place of Business, or on their person where the Business has no fixed premises.

## **12. Inspection, Suspension and Cancellation**

12.1. The Licence Inspector is authorized to enter, at all reasonable times, upon any property subject to this Bylaw in order to ascertain whether this Bylaw is being observed.

12.2. The Licence Inspector may suspend a Business Licence or an Inter-Community Business Licence for such period as he may determine, subject to the business licence authority provisions of the Community Charter, and the requirements in any applicable Inter-Community Business Licence Scheme.

12.3. The Licence Inspector may cancel a business licence or an Inter-Community Business Licence for reasonable cause, subject to the business licence authority provisions of the Community Charter, and the requirements in any applicable Inter-Community Business Licence Scheme.

### **13. Appeal Procedure**

- 13.1. Any person whose Business Licence has been suspended or cancelled, or has been refused a licence, may appeal to Council by giving notice of intention to appeal to the Licence Inspector. The appeal shall be made in writing and shall state in a concise manner the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal, which shall be within one month of the request being made, and may confirm or set aside the decision made by the Licence Inspector as it deems fit.

### **14. Violations and Penalties**

- 14.1. Every person who offends against any of the provisions of this Bylaw, or permits any act or thing to be done in contravention or violation of any provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by this Bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable on conviction of a fine of not more than Two Thousand Dollars (\$2,000.00) and the costs of prosecution. Each day on which an offence continues shall constitute a separate offence.
- 14.2. Schedules "A" and "B" and any regulations they set out form a part of and are enforceable in the same manner as this Bylaw.

### **15. Effective Date**

- 15.1. This Bylaw shall come into force and take effect on the 1<sup>st</sup> of December, 2019.

READ A FIRST TIME THIS	13th day of August, 2019
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READ A SECOND TIME THIS	13th day of August, 2019
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READ A THIRD TIME THIS	___ day of _____,
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ADOPTED THIS	___ day of _____,
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LINDA A. BROWN,  
MAYOR

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SEAN SMITH,  
CORPORATE OFFICER

**Schedule “A”  
Application Fees**

1. All Applicants, except those listed in section 4 of this Schedule A, shall pay \$50 at the time of application.
2. For each Inspection by the Building Inspector, Fire Prevention Officer, or Cross Connection Control Coordinator, the fee shall be \$50 per inspection, to be paid at the time of issuance of the business licence.
3. Each inspection includes one (1) follow up inspection in the event the first inspection identifies deficiencies.
4. The following business types shall pay the fee as indicated in the table:

Non profit organizations	\$0
Retail cannabis stores	\$650



**Schedule "B"**  
**Licence Fees**

1. The Regular Business Licence fee in the City of Merritt shall be \$150.
  - a. For Regular Business Licence renewals, the Regular Business Licence fee will be modified as follows:
    - i. Where the Applicant renews their Business Licence prior to expiry, the Regular Business Licence Fee will be \$135 (10% discount).
    - ii. Where a Business has continued to operate but the Applicant has failed to renew their Regular Business Licence by March 1 of each year, the Regular Business Licence fee will be \$180 (a 20% penalty).
2. A pro-rated Business Licence shall never cost less than \$25.
3. A six-month Short-term Business Licence fee shall be \$90.
4. A three-month Short-term Business Licence fee shall be \$55.
5. The fee to transfer a licence to a new person shall be \$25.
6. Non-profit organizations will not be charged a licence fee.