



## **BYLAW NO. 1658**

### ***BUSINESS LICENSE***

*A bylaw to provide for licensing and regulation of businesses within the Town of Smithers*

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**WHEREAS** pursuant to the *Community Charter*, Council may, by bylaw, regulate matters in relation to business;

**NOW THEREFORE** the Council of the Town of Smithers, in open meeting assembled, enacts as follows:

#### **1 – ADMINISTRATIVE PROVISIONS**

- 1.1 This bylaw may be cited as “Bylaw No. 1658 – Business License” and takes effect as of the date of adoption.
- 1.2 The “Town of Smithers Business License Bylaw, No. 1481” and all amendments are hereby repealed.
- 1.3 If any portion of this bylaw is found invalid by a court of competent jurisdiction, it shall be severed and the severance shall not affect the validity of the remainder of the bylaw.

#### **2 - DEFINITIONS**

- 2.1 In this bylaw:

**Act** means *Community Charter*, Chapter 26, as amended and the *Local Government Act*, Chapter 323, as amended.

**Agent of Outside Merchant** means any person who, either on his own behalf or as agent for another, sells, solicits, or takes orders for the sale, by retail, of goods, wares, or merchandise to be supplied by any person not doing business in the Town of Smithers.

**Amusement Establishment** means any building, hall, or park used in and for the entertainment of the public, except bowling alleys, carnivals, circuses, dance halls, theaters, poolrooms and billiard halls.

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**Answering Service** means any person who, through electronic or mechanical means, provides receptionists for the purpose of answering telephones for other persons or businesses.

**Apartment Rental** means any person who leases or rents more than two rental units (not being a Boarding House, Hotel Complex, or Motel as defined herein) designed, used, or occupied as dwelling units.

**Applicant** means any person who makes application for a license under the provisions of this bylaw.

**Approved** means approved by the License Inspector of the Town of Smithers or designated authority.

**Arcade** means any business that operates five or more electronic vending machines dispensing games or amusement.

**Auctioneer** means any person selling property by auction (not being a Crown Officer selling Crown property by auction or Sheriff, a Sheriff's Officer, or Bailiff selling lands, goods, or chattels under a judgment or in satisfaction of rent or taxes) in which articles are sold to makers of the highest bid.

**Auto Body Shop** means any business that performs structural or body repairs or painting to any motor vehicle.

**Automobile Dealer** means any person being a dealer in either new or secondhand automobiles, motorcycles, motor vehicles, or automobile accessories and supplies, repairing or storing of automobiles, motor vehicles, or motorcycles, and may include the retail sale of fuels and/or vehicle rentals.

**Bank** means any person carrying on the operation of banker or operating a bank or banking place of business.

**Billiard or Poolroom** means any person keeping any premises where as a primary function, a billiard table or pool table is used for hire or profit.

**Boarding House** means any person that leases or rents two or more rooms for residential use with no provision for cooking in the rooms, but does not include Apartment Rental, Hotel Complex or Motel as defined herein.

**Bowling Alley** means any building or place where the game of ten pins or five pins and other bowling games may be played and where the participant is charged a fee.

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**Business** means the carrying on of a commercial or industrial undertaking of any kind or the provision of professional, personal, or other services for the purpose of gain or profit;

**Business, Non-Resident** means a business other than a resident business carried on in the Town of Smithers, or with respect to which any work or service is performed in the Town of Smithers;

**Business, Resident** means a business carried on in or from premises in the Town of Smithers;

**Bylaw Enforcement Officer** means the person or designate appointed by the Council of the Town of Smithers as Bylaw Enforcement Officer.

**Catering** means the act of preparing and/or serving food or drink for public functions or gatherings.

**Commercial Landlord** means any person who leases or rents property containing two or more units that are used for commercial or industrial purposes.

**Communication Service** means the business of providing radio and/or television broadcasting.

**Contractor** means any one or a combination of the following:

a) General Contractor means a person who undertakes a work of construction, either on his own behalf or by agreement with others and who in the course of such work employs more than one of the distinct classes of sub-contractors herein set forth, or whose business incorporates three or more of the distinct classes of sub-contractors.

b) Sub-Contractor means any of the following, but is not limited to, trades classed as separate and distinct sub-contractors:

- |                  |                    |   |
|------------------|--------------------|---|
| 1. Acoustics     | 9. Mason           | 17. Pipe Fitting                              |
| 2. Carpentry     | 10. Waterproofing  | 18. Excavating, Filling, Landscaping          |
| 3. Drywall       | 11. Well Drilling  | 19. Roofing                                   |
| 4. Electrical    | 12. Welding        | 20. Sheet Metal                               |
| 5. Refrigeration | 13. Siding         | 21. Ornamental Metal                          |
| 6. Flooring      | 14. Painting/Décor | 22. Structural Steel Fabrication              |
| 7. Framing       | 15. Paving         | 23. Heating, Ventilation,<br>Air Conditioning |
| 8. Glazing       | 16. Plumbing       | 24. Mechanical Equipment<br>Installation      |

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- c) Contractor or Sub-contractor may include the sale of goods from a business premises located in a commercial or industrial zone pursuant to the regulations contained in the Smithers Zoning Bylaw.

**Dairy** means an establishment for the bottling, sale, and/or distribution of milk or milk products.

**Delivery Service** means local transportation of merchandise from stores to residential areas.

**Direct Seller** means a person who, through personal contact as defined in the provincial Direct Sellers Regulation, and being the agent for a person not resident within the Town, sells, offers for sale, or solicits sales orders, goods, wares, merchandise, foodstuffs, or exposes samples or patterns of, or quotes prices for the selling of, any goods, wares, merchandise, or foodstuffs, where the purchase price, including any taxes, equals or exceeds fifty dollars (\$50.00) to be afterwards delivered within the Town to a person not being a wholesale or retail dealer in such goods, wares, merchandise or foodstuffs;

**Director of Development Services** means the person appointed by the Council of the Town of Smithers as Director of Development Services.

**Director of Finance** means the person appointed by the Council of the Town of Smithers as Financial Administrator for the Town.

**Distributor** means a person selling kitchen accessories, fashion, beauty aids, books, or other small catalogue items primarily through home parties or leaving samples at business establishments and who are registered through the provincial *Consumer Protection Act*. Sales can be completed without face-to-face contact.

**Escort** means a person who, for a fee or other remuneration, escorts or accompanies another person other than for the purpose of providing assistance to that other person because of that other person's age or disability;

**Escort Agency** means the business of providing or offering to provide or arrange for the services or names of persons to act as Escorts;

**Escort Service** means the business of acting as an Escort;

**Express or Freight Company** means the transportation of goods, etc. other than as defined under delivery service.

**Floor Area** means, for the calculation of a license fee, the area of all floors within the exterior walls or tenant separation walls that encompass the business premises.

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**Food Premises** means any place or vehicle where food or drink is prepared, handled, served, or dispensed, with or without charge, but does not include a private dwelling where food is prepared or served for consumption by the occupant, his family, his servants, or his guests.

**Fuel Sales** means:

- a) Bulk - storage for wholesale and may or may not deliver to the retail trade.
- b) Retail - the delivery or sale of fuel by retail.

**Hairdresser/Barber** means any person carrying on business of cutting, bleaching, colouring, dressing, curling, waving, permanently waving, cleansing, or the performance of similar work upon the hair of any person either by hand or by the use of any mechanical application or appliances.

**Hall** means any building, room, or place rented for profit, other than those located in a cabaret, where the proprietor retains a permanent liquor license.

**Heavy Equipment** means any vehicle or equipment larger than passenger cars or light trucks.

**Home Occupation** means a business carried out on a residential parcel located in a residential zone pursuant to the General Regulations of the Smithers Zoning Bylaw.

**Hotel Complex** means any building or buildings other than an Apartment Rental, Boarding House, or Motel as defined herein comprising not less than two sleeping or rental units normally occupied temporarily by tourists or transients and which shall include one or more of the following: banquet rooms, cabaret, pub, cocktail lounge, dining lounge, or restaurant.

**Itinerant Show or Entertainment** includes a circus, midway, animal show, horseracing, exhibition, and other events of a transient nature, when held elsewhere than in a licensed theatre or licensed place, excluding events organized by and for the sole benefits of recognized charities.

**Junk** means any of the following used or old articles or things: rubber tires, metal, plastics, plastic containers, glass, paper, sacks, wire, ropes, rags, machinery, cans, or any other article or thing commonly found in a junk shop.

**Junk Dealer** means a person who carries on the business of purchasing or selling junk, or who carries on the business of a junk store or junk shop.

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**Laundry/Drycleaning** means any business, trade, or occupation of pressing, dyeing, or washing of clothing or other fabrics.

**Laundromat** means coin-operated or operator-operated laundry or dry-cleaning service having a machine or series of machines with a capacity not in excess of forty pounds.

**License Inspector** means the person appointed as License Inspector by the Council of the Town of Smithers, to administer this Bylaw.

**Liquor Outlet** means premises licensed under the Revised Statutes of British Columbia providing and/or serving primarily alcohol, including, but not limited to, pub, lounge, beer and wine store.

**Manufacturing** means a person who carries on, maintains, owns, or operates a business, trade, occupation or calling of assembling, manufacturing, producing, or finishing goods, substances, or things or any part thereof and includes batching plants.

**Miscellaneous** means any business not specifically classified in Schedule "A" of this bylaw.

**Mobile Home Park** means any land used or occupied by a person to provide spaces for the accommodation of two or more mobile homes and for imposing a charge or rental for the use of the space.

**Mobile Vendor** means any person who from a mobile vehicle sells or offers for sale, goods, wares, merchandise, or foodstuffs, but does not include a Restaurant as defined herein.

**Motel** means any building other than an Apartment Rental, Boarding House, or Hotel Complex as defined herein comprising of not less than two sleeping or rental units normally occupied temporarily by tenants or transients.

**Non-profit Organization** means a business operated solely by a bona fide educational, charitable, or religious organization recognized as such by the Provincial or Federal Government.

**Pawnbroker** means every person who carries on the business of taking goods or chattels in pawn whether or not the provisions of the *"Revised Statutes of British Columbia"* apply to him.

**Peace Officer** means any active member of the RCMP, a constable, or person having the powers of a constable and includes a Bylaw Enforcement Officer or other public officer appointed or designated by the Town.

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**Person** means, in addition to its usual connotation, a firm or partnership, association, company, society, or body corporate and in the singular shall mean and include the plural masculine and feminine and the converse.

**Premises** means a store, office, warehouse, factory, building, house, enclosure, yard, or other place occupied or capable of being occupied by any person for the purpose of any business, trade, or occupation and shall also mean any area situated within any of the foregoing where more than one separate and/or distinct classification of business is being carried on.

**Printers and Publishers** means a person who is in the business of publishing books, newspapers, magazines, and periodicals and for the production of printed matter for gain or profit.

**Professional** means any one or a combination of the following but is not limited to:

- |                                 |  |
|---------------------------------|--|
| 1. Appraiser                    | 14. Insurance Agent                                  |
| 2. Architect                    | 15. Medical practitioner<br>(General or Specialized) |
| 3. Barrister/Solicitor          | 16. Notary Public                                    |
| 4. B.C. Land Surveyor           | 17. Optometrist                                      |
| 5. Barber                       | 18. Orthodontist                                     |
| 6. Business or Tax Consultant   | 19. Photographer                                     |
| 7. Chartered Accountant         | 20. Planner  |
| 8. Certified General Accountant | 21. Psychiatrist                                     |
| 9. Chiropractor                 | 22. Real Estate Agent                                |
| 10. Conservation Forester       | 23. Registered Nurse                                 |
| 11. Consulting Engineer         | 24. Undertaker                                       |
| 12. Dentist                     | 25. Veterinarian                                     |
| 13. Hairdresser                 |  |

**Restaurant** means any food premises, whether permanent or temporary, or fixed or movable, in which prepared food is served to the public in exchange for money or service, or any place to which the public have access for the purpose of purchasing prepared food for human consumption on the premises.

**Retail** means the sale of commodities or goods directly to the consumer.

**Retail Merchant** means any person who sells or offers for sale to any other person by retail, goods, wares, merchandise, or other commodity from an approved premises within the Town and may include the operation of a restaurant within the same floor area as the retail sales business but does not include a business in automotive or fuel sales classification as defined herein.

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**Seasonal Business** means any business that by the nature of the business is prevented from operating throughout the year due to seasonal conditions.

**Secondhand Dealer** includes every person carrying on the trade or business of purchasing or selling any second hand goods or who keeps a store, shop, or other place of business for the purpose of carrying on such trade or business, but does not include a retail merchant or trader who in good faith accepts as a trade in any chattel as part only of the consideration for the sale by him of another chattel where the balance of the sale consideration is paid or payable in money, the lawful currency of Canada, and who subsequently sells the trade-in. Second hand goods includes antiques, clothing, jewels, coins, postage stamps, paintings, sketches and other chattels whether of a similar kind or not.

**Service Station** means premises used principally for the retail sale of fuels, lubricating oils, and motor accessories and the servicing of motor vehicles, but no other retail sales, wholesale sales, or motor vehicle structural, or body repairs or painting.

**Taxi** means any motor vehicle that is employed in the conveyance of passengers for hire, excepting ambulances, hearses, drive-yourself vehicles, and motorbuses.

**Theatres and Drive-In Theatres** means any place that is used for the showing of theatrical, operatic, vaudeville performances, moving pictures, television shows, or similar purposes.

**Town** means the Corporation of the Town of Smithers.

**Trust, Brokerage, Credit Union, Finance, Loan, Mortgage or Acceptance Company** means a financial institution other than those governed by the *Bank Act*.

**Vending Machines** means any machine or device operated by, or requiring for operation thereof, the insertion therein of any slug or coin, for the purpose of selling or dispensing of any music, games, amusement, or service.

**Warehousing** means the storage of goods or merchandise for which a charge is usually made.

**Wholesale** means the selling or the offering for sale of goods, wares, or other merchandise to retailers, other wholesalers, contractors, or manufacturers for resale or for use in their business.

### **3 – GENERAL REGULATIONS**

#### **3.1 License Required**

- a) Except as provided in the *Act*, no person shall carry on business within the Town without first having obtained and paid for a Municipal Business License. The business classifications and fees payable for a Business License are set forth in Schedule “A” hereof.
- b) **Non-profit Organizations** are required to obtain a Business License but no fee shall be charged. Business licenses are not required for religious organizations, registered charities, Smithers service clubs and Smithers community organizations offering goods or merchandize for sale to raise funds for local community projects.
- c) **Distributors** registered under the *Consumer Protection Act* are not required to obtain a business license.

#### **3.2 Application**

- a) Application for a municipal business license shall be made by completing an application in the form attached as Schedule “B” and by tendering the appropriate license fee as set out in Schedule “A”.
- b) Every person applying for a license to carry on a business must comply with all federal, provincial and municipal laws, bylaws and regulations applicable to that type or class of business.

#### **3.3 Transfers and Charges**

- a) No license shall be transferred from one person in respect of certain premises to that same person in respect of other premises, without the prior approval of the License Inspector and the payment of fifty dollars (\$50.00) for the required transfer fee. Such transfer shall be refused by the License Inspector where, upon inspection of the business premises to which the applicant wishes to transfer the license, the premises do not comply with the requirements of the bylaws of the Town regulating building, zoning, health and safety, sanitation, and business.
- b) Every license issued pursuant to this bylaw shall be personal to the licensee named therein and in the event of a change of ownership of the business for which such license was issued, the new owner shall apply for a transfer of ownership and be required to pay a transfer fee of fifty dollars (\$50.00). Such transfer shall be refused by the License Inspector where, upon inspection of the business premises, the premises does not comply with the requirements of Town bylaws regulating building, zoning, health and safety, sanitation and business.

- c) Every holder of a license shall notify the Town Office of any changes in the mailing and/or business address, the classification of the business, and, where applicable, the area of premises, or any alteration to the premises in which the business is carried out, and upon the termination of the carrying on of the business by the license holder shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector.

### **3.4 Period**

- a) Except as hereinafter provided, a license will be granted for a one-year period, to commence on the first day of January and terminate on the thirty-first day of December in each and every year.
- b) Seasonal businesses may be issued a temporary business license for which the fees shall be prorated monthly based on the length of time the business will operate, with a minimum of three (3) months.

### **3.5 Display**

- a) The license holder or person in charge of the premises wherein the business is carried on or practiced shall at all times keep the license or licenses prominently displayed in the sales or reception area of the premises to which the public have access.

### **3.6 Payment of Fees**

- a) No license shall be issued and no license shall be renewed until the fee has been paid to the Town in accordance with the fee schedule set out in Schedule "A".
- b) The license fees for new businesses starting after the month of January shall be prorated monthly to a minimum of three (3) months or 25% of the full fee.
- c) Inactive Businesses renewing their license are only eligible for a prorated fee reduction if the business was not in operation for at least twelve (12) months in the previous year.
- d) Previously licensed businesses that are required to renew their license in January of any year and who fail to pay the license fee within:
  - (i) 30 days of receiving the renewal invoice, a 10% penalty shall be added to the license fee;
  - (ii) 60 days of receiving the renewal invoice, an additional 25% penalty shall be added to the license fee; and

(iii) 90 days of receiving the renewal invoice, an “Information” will be sworn in Provincial Court and a 100% penalty will be added to the license fee in addition to any and all Court costs incurred by the Municipality.

e) No license fee paid hereunder shall be refunded in whole or in part.

#### **4 – ISSUING, SUSPENSION, REVOCATION and REPEAL**

##### **4.1 Issuing License**

- a) The License Inspector may grant a license where, upon inspection of the business premises, is satisfied that the applicant has complied with Town bylaws regulating building, zoning, health and safety, sanitation, and business.
- b) Where permitted to operate a business within a public highway or parkland, the applicant shall comply with section 6.4 (d) and 6.4 (e) (without references to “mobile restaurant”) prior to the License Inspector granting a license.

##### **4.2 Suspension**

- a) The License Inspector may suspend any license for such period to decide if the holder of the license:
  - i. is convicted of any offense indictable in Canada;
  - ii. is convicted of an offense under any municipal bylaw or statute of the Province in respect of the business for which he is licensed or with respect to the premises named in his license;
  - iii. has, in his opinion, been guilty of such gross misconduct in respect of the business or with respect to the premises named in his license that it warrants the suspension of his license;
  - iv. has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his license; or
  - v. has, in his opinion, conducted his 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 16 years, anything, that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

- b) The suspension of a license by the License Inspector shall be made by notice in writing, signed by the Inspector, and served on the person holding such license or delivered to the holder of such license by registered mail to the address given by the licensee on the application of the license or such other address of which the Town has actual prior written notice. A notice of suspension of license may be posted by the License Inspector upon the premises for which the license was issued and such notice shall not be removed until the license is reinstated, the former licensee ceases to occupy the premises, or a new duly licensed business other than the one carried on by the former licensee is started in the premises, whichever first occurs.

#### **4.3 Appeals**

- a) Any person whose license has been suspended under Section 4.2 may appeal to the Council of the Town by submitting a written request to appear before Council at the next Regular Council meeting, at least 5 calendar days before the next Regular Council meeting, and upon notification of the meeting time and place, shall appear before Council and present reasons for the appeal. Upon such appeal Council may confirm or set aside the suspension on such terms as it may think fit.
- b) Pursuant to the *Act*, a person who has applied for but failed to be granted a license may appeal to Council in accordance with this section.

#### **4.4 Revocation**

- a) Council of the Town may revoke a license for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- b) The notice and opportunity to be heard referred to in this section is not required in respect to the licensee who by reasonable efforts cannot be found.

### **5 – ADMINISTRATION and ENFORCEMENT**

#### **5.1 Administration**

- a) This bylaw shall be administered by the Director of Development Services and/or License Inspector and/or Bylaw Enforcement Officer and/or Chief Administrative Officer or designate.
- b) Any employee of the Town appointed to administer this bylaw may enter upon, at all reasonable times, any property in order to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

- c) The License Inspector shall maintain and keep records of all licenses issued. All such records shall be considered public records and shall be open for inspection at reasonable times to any person having business with the License Inspector. No person shall be entitled to inspect more than one license at any one time without first paying a search fee of fifty dollars (\$50.00) for each license in excess of one.

## **5.2 Enforcement**

- a) Every person who:
- i. Carries on a business for which a license is required pursuant to this bylaw without holding a valid and subsisting license for the business;
  - ii. Fails to display a valid and subsisting license or licenses as required by the provisions of this bylaw;
  - iii. Fails to provide any information or documentation as required by the provisions of this bylaw;
  - iv. Carries on or remains open for business after receiving notice that his license has been revoked or suspended;
  - v. Is governed by any regulation under the provisions of this bylaw and who fails to comply with those regulations;
  - vi. Violates or does any act or thing which violates any provision of this bylaw;
  - vii. Suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this bylaw;
  - viii. Neglects or refrains from doing anything required to be done by any of the provisions of this bylaw;

shall be deemed to be guilty upon summary conviction of an offense under this bylaw.

- b) Each day's continuation of an offense under Section 5.2 (a) constitutes a new and separate offense.
- c) Every person who commits an offense under this bylaw is liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000.00) and the costs of prosecution.
- d) Where conviction is for failure to obtain and pay the license fees required, then the amount which should have been paid for such

license fee, including any penalties imposed from section 3.6 (d), shall be added to the said fine and shall form part of the overall penalty.

- e) Notwithstanding anything herein contained, the amount of any and every license payable by any person pursuant to the provisions of this bylaw shall be a debt due by that person to the Town which shall be recoverable together with costs in any Court of competent jurisdiction.
- f) Notwithstanding anything contained in this bylaw, no person shall carry on any business, a purpose of which is to engage in or permit, allow, facilitate, encourage, or assist others to engage in, any activity which violates any of the provisions of the Criminal Code of Canada.

## **6 – REGULATION OF BUSINESS**

### **6.1 Itinerant Show or Entertainment**

- a) A business license shall be required for an Itinerant Show or Entertainment that uses non-profit organizations for promotional purposes even though they receive a contribution for doing so.
- b) No license shall be granted to any person for the purpose of carrying on the business of an Itinerant Show or Entertainment unless proof is submitted of the following insurance coverage in force for as long as that business is carried on within the Municipality:
  - i. Comprehensive public liability insurance and property damage insurance providing coverage of at least five million dollars (\$5,000,000.00) inclusive against liability for bodily injury or damage to property on an all-risk basis; and
  - ii. Automobile insurance for public liability and property damage providing coverage of at least one million dollars (\$1,000,000.00) inclusive on owned, non-owned, or hired vehicles.

### **6.2 Mobile Vendor**

- a) A mobile vendor shall be permitted to offer the sale of goods and food products from private property only with the written permission of the owner, at a location where such use is permitted under the Town of Smithers Zoning Bylaw, as amended from time to time and for no longer than two consecutive days per week in any one location.
- b) A mobile vendor shall not do business within thirty (30) metres of other like retail vendors.
- c) Signage displayed must comply with the Town of Smithers Sign Bylaw, as amended from time to time.

### 6.3 Restaurant

- a) No license shall be granted for the operation of any premises as a restaurant (as defined in this bylaw) until such premises have been inspected and approved by the Provincial Health Inspector or representative and a copy of such approval in writing delivered to the Town Office.
- b) Restaurant owners shall be required to install and properly maintain, waste and/or grease interceptors to the satisfaction of the Building/License Inspector, and in compliance with the Sewer Regulation Bylaw. Failure to do so may be grounds for suspending the business license.

### 6.4 Mobile Restaurant

- a) A mobile restaurant operated from a motor vehicle (under the *Motor Vehicle Act*) shall not park or stop for purposes of doing business on any public highway or within a residential zone.
- b) A mobile restaurant shall not do business within thirty (30) metres of fixed restaurants, cafes, coffee shops, snack bars, dining lounges, drive-in restaurants, delicatessens and lunch counters and for no longer than two consecutive days per week in any one location.
- c) Within a municipal park, a mobile restaurant shall have written permission from any groups sponsoring sports events and activities. Without written permission from the groups handling sports events and activities, the mobile restaurant shall be set up at least one hundred and fifty (150) metres away from the sports event or activity.
- d) No license shall be granted to any person for the purpose of carrying on the business of a mobile restaurant unless proof is submitted of the following insurance coverage in force as long as that business is carried on within the municipality:
  - i. Comprehensive public liability insurance and property damage insurance providing coverage of at least two million dollars (\$2,000,000) inclusive against liability for bodily injury or death or damage to property on an all-risk basis, including the Town as Additionally Insured; and
  - ii. Automobile insurance for public liability and property damage providing coverage of at least one million dollars (\$1,000,000) inclusive on owned, non-owned, or hired vehicles.
- e) No license shall be granted to any person for the purpose of carrying on the business of a mobile restaurant with one or more employees

unless proof of adequate workers compensation is submitted and is maintained as long as that business is carried on within the municipality.

- f) Mobile restaurants operating as part of a Town-approved Special Event are exempt from 6.4(b).
- g) Existing mobile restaurant Business License holders are exempt from Item 6.4.b) above, until December 31<sup>st</sup>, 2011.

### **6.5 Theatre**

- a) No license shall be granted for the operation of any theatre without having first obtained the approval of the Fire Chief or his designate pursuant to the *Fire Services Act* and a copy of such approval in writing delivered to the Town Office.

### **6.6 Liquor Outlet**

- a) No license shall be granted for the operation of any liquor outlet without having first obtained the approval of the Liquor Licensing Control Board and a copy of such approval in writing delivered to the Town.

### **6.7 Service Station**

- a) No license shall be granted for a service station until a permit has been issued by the Fire Chief or his designate pursuant to the *Fire Services Act*.

### **6.8 Escort Agency**

- a) No person carrying on the business of an escort agency shall provide or offer to provide or arrange for the services or name of any person to act as an escort unless that escort is at least 19 years of age.
- b) No person carrying on the business of an escort agency shall provide or offer to provide or arrange for the services or name of any person to act as an escort for another person unless that person is at least 19 years of age.
- c) No person shall at any time carry on the business of an escort agency if that person was convicted of a criminal offense under Section(s) 210, 211, 212, or 213 of the *Criminal Code of Canada* within five years before that time.
- d) No Corporation shall, at any time, carry on the business of an escort agency if a shareholder, director, or officer of that Corporation was

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convicted of a criminal offence under Section(s) 210, 211, 212, or 213 of the *Criminal Code of Canada* within five years before that time.

- e) No corporation shall at any time carry on the business of an escort agency if a former shareholder, director, or officer of that corporation was while a shareholder, director, or officer of that corporation convicted of a criminal offence under Section(s) 210, 211, 212, or 213 of the *Criminal Code of Canada* within five years before that time.
- f) Every person carrying on the business of an escort agency shall maintain, at the premises identified in the business license for that business, a written record of:
  - i. The legal name, address, and age of every escort employed or otherwise engaged in that escort agency business; and
  - ii. The legal name, address, and age of every person to whom the services of an escort are provided or offered to be provided or on whose behalf an arrangement for an escort is made.
- g) Without limiting Section 210 of the *Criminal Code of Canada*, every person carrying on the business of an escort agency shall, upon the request of a License Inspector, provide to that License Inspector, within five days after the request to do so, the records required to be maintained by that person under Section 6.8 (f).
- h) Every person applying for an escort agency license shall include on the application form the name, address, and date of birth of each escort employed or otherwise engaged in, or retained by or through, that escort agency business.
- i) Every person applying for an escort agency license shall provide to the Town, at their cost, together with the application, a criminal records check carried out within thirty days before the date of the application for the person proposing to carry on the escort agency business, and if that person is a corporation, for each person that is, on the date of application, or was within five years before the date of the application, a shareholder, director, or officer of that corporation.
- j) Every person to whom an escort agency license has been issued shall provide to the Town, at their cost, within thirty days before that escort agency license is renewed, a criminal records check, carried out within thirty days before the date the criminal records check is provided, for that person, and if that person is a corporation, for each person that is, or was within five years before the date the criminal records check is carried out, a shareholder, director or officer of that corporation.

## 6.9 Escort Service

- a) No person shall carry on the business of an escort service unless that person is at least 19 years of age.
- b) No person carrying on the business of an escort service shall act as an escort for another person unless that other person is at least 19 years of age.
- c) No person shall, at any time, carry on the business of an escort service if that person was convicted of a criminal offence under Section(s) 210, 211, 212 or 213 of the *Criminal code of Canada* within five years before that time.
- d) Every person applying for an escort service license shall include on the application form his or her legal name and date of birth.
  - i. Every person applying for an escort service license shall provide to the Town, at their cost, together with the application, a criminal record check carried out within thirty days before the date of the application for the person proposing to carry on the escort service business.
  - ii. Every person to whom an escort service license has been issued shall provide to the Town, at their cost, within thirty days before that escort service license is renewed, a criminal records check for that person carried out within thirty days before the records check is provided.

## 6.10 Pawnbroker, Secondhand Dealer and Junk Dealer

- a) Every licensed secondhand dealer and pawnbroker shall keep a record on forms approved by the License Inspector to be known as "The Secondhand Dealer's Registrar", in which shall be entered in the english language, written in a plain legible hand or typewritten, a record of goods received, purchased, or taken in exchange. The entry must be made at the time of the receipt, exchange, or purchase or immediately thereafter and shall include in addition to the date of the purchase, receipt, or exchange a full description of the article or articles including the name of the maker and serial number if known or can be ascertained, and the name and address, any two of (drivers license number, social insurance number, BC ID number) and general description of the person from whom the purchase was made. In addition, it shall be a requirement for pawnbrokers that customers must produce photo identification and that a videotape record be made of all transactions.

- b) Goods received, purchased or taken in exchange by licensed dealers shall be treated as purchased and will be so entered in this record. For the purposes of this section, goods which have to be entered in the record are used goods, and new goods may not require listing if they are covered by receipt or invoice, provided however, that the onus is upon the Licensee to prove that any goods are new.
- c) The Secondhand Dealer's Register shall be a permanent record and the dealer shall be responsible that it is not mutilated or destroyed. It shall be open to inspection by the License Inspector or any Peace Officer at all times during which the business is open and may be removed at any time by members of the police force, the bylaw Enforcement Officer, and License Inspector for inspection or for use in courts if necessary.
- d) All licensed dealers must notify the designated officer at the Smithers' RCMP detachment within twenty-four (24) hours of the purchasing, taking, or receiving of any used or secondhand goods and shall not alter the form of or sell, exchange or otherwise dispose of such goods within seventy-two (72) hours after the hour of purchasing the same. Such notifications to the RCMP shall consist of the copy of the Secondhand Dealer's Register for the day in question and must be delivered in person to the police office within the time set out above.
- e) Secondhand dealers shall include junk dealers, operators of second hand stores, junk stores, junkyards and pawnbrokers.
- f) Every person carrying on business as a secondhand dealer shall ensure that his premises are kept in a neat and tidy condition, and without limiting the generality of the foregoing, shall ensure that no part of the premises that are visible from outside of the premises are in an unsightly condition.

## **7 – BUSINESS CLASSIFICATIONS and LICENSE FEES**

- 7.1 The business classifications set out in Schedule "A" to this bylaw are deemed to be separate and distinct businesses. A separate license and fee is required and must be paid for each business classification.
- 7.2 Notwithstanding Section 7.1, a business that due to classification requires more than one license, or due to an auxiliary business(s), shall only be required to pay a fee of fifty dollars (\$50.00) for each license in excess of the principle license. The principal license is the license for which the greatest fee is due.
- 7.3 Notwithstanding Section 7.1, where a business is carried on, in, or from more than one premise in the Town and under the same business name,

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a fifty-dollar (\$50.00) fee is chargeable for each additional premise as an Auxiliary Business (Classification 3000).

- 7.4 In the case of commercial landlords, only one business license fee will apply regardless of the number of buildings or premises being leased or rented. The area for Classification 0200 in Schedule "A" is based on the total gross leasable area (GLA) for all the buildings or premises owned by the commercial landlord.

READ A FIRST TIME THIS 26<sup>TH</sup> DAY OF APRIL 2011

READ A SECOND TIME THIS 26<sup>TH</sup> DAY OF APRIL 2011

PUBLIC OPPORTUNITY TO SPEAK THIS 9<sup>TH</sup> DAY OF MAY 2011

AMENDED AT SECOND READING THIS 24<sup>TH</sup> DAY OF MAY 2011

READ A THIRD TIME THIS 24<sup>TH</sup> DAY OF MAY 2011

THIRD READING RESCINDED THIS 14<sup>TH</sup> DAY OF JUNE 2011

AMENDED AT SECOND READING THIS 14<sup>TH</sup> DAY OF JUNE 2011

AMENDED AT SECOND READING THIS 28<sup>TH</sup> DAY OF JUNE 2011

PUBLIC OPPORTUNITY TO SPEAK THIS 12<sup>TH</sup> DAY OF JULY 2011.

READ A THIRD TIME THIS 12<sup>TH</sup> DAY OF JULY 2011.

ADOPTED THIS 26<sup>TH</sup> DAY OF JULY 2011

The Corporate Seal of the Town of  
Smithers was hereto affixed in the  
presence of

---

Cress Farrow  
Mayor

---

Deborah Sargent  
Corporate Administrator/CAO

**CERTIFIED A TRUE AND CORRECT  
COPY** of Bylaw No. 1658 cited as "Bylaw  
No. 1658 – Business License".

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Deborah Sargent  
Corporate Administrator/CAO

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**SCHEDULE "A"**

Business Classifications and Fees Under Bylaw No. 1658

0100	<b>Banks, financial institutions</b>	\$660.00 / year
0200	<b>Commercial landlord</b>	
0201	up to 560 m <sup>2</sup> (6,028 ft <sup>2</sup> )	\$160.00 / year
0202	over 560 m <sup>2</sup> (6,028 ft <sup>2</sup> )	\$350.00 / year
0300	<b>Mobile Home Park, Campgrounds</b>	
0301	Mobile Home Park	\$160.00 / year
0302	Tent, Trailer and Campground	\$160.00 / year
0400	<b>Itinerant Show or Entertainment</b>	\$250.00 / day
0500	<b>Contractor</b>	
0501	General	\$160.00 / year
0502	Sub-Contractor	\$160.00 / year
0600	<b>Direct Seller, Mobile Vendor</b>	
0601	Direct Seller	\$160.00 / year
0602	Mobile Vendors	\$250.00 / year
0603	Or in the alternative, a company may license all representatives within the Town for a flat fee of twice the fee applicable to classification 0601 or 0602 above.	
0700	<b>Automotive</b>	
0701	Automobile dealer	\$350.00 / year
0702	Recreational vehicle dealer	\$350.00 / year
0703	Mobile home dealer	\$350.00 / year
0704	Heavy equipment dealer	\$350.00 / year
0705	Farm equipment dealer	\$350.00 / year
0706	Auto body shop, Automotive repair and service	\$160.00 / year
0750	<b>Liquor outlet</b>	
0751	Liquor Store/Beer and Wine Store	\$250.00 / year
0752	Neighbourhood pub	\$250.00 / year
0753	Cabaret	\$250.00 / year
0754	Hall For Events Where Liquor May be Served	\$250.00 / year
0800	<b>Restaurant</b>	
0801	Restaurant	\$160.00 / year
0802	Cafe	\$160.00 / year
0803	Coffee Shop	\$160.00 / year
0804	Snack bar	\$160.00 / year

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0805	Dining lounge	\$160.00 / year
0806	Drive-in Restaurant	\$160.00 / year
0807	Delicatessen	\$160.00 / year
0808	Lunch counter	\$160.00 / year
0809	Catering service	\$160.00 / year
0810	Mobile restaurant	\$250.00 / year
0900	<b>Recreation facility</b>	
0901	Theatre, drive-in theatre	\$160.00 / year
0902	Banquet room (not in a Hotel complex)	\$160.00 / year
0903	Amusement establishment	\$160.00 / year
0904	Bowling alley	\$160.00 / year
0905	Billiard Hall	\$160.00 / year
0906	Arcade	\$160.00 / year
0907	Dance Studio	\$160.00 / year
0908	Performing Arts	\$160.00 / year
1000	<b>Home Occupation</b>	\$160.00 / year
1100	<b>Salvage</b>	
1101	Junkyard	\$160.00 / year
1102	Wrecking yard	\$160.00 / year
1103	Secondhand Dealer	\$160.00 / year
1104	Pawnbroker	\$160.00 / year
1200	<b>Garment Cleaning Service</b>	
1201	Laundry	\$160.00 / year
1202	Dry-cleaning	\$160.00 / year
1203	Laundromat	\$160.00 / year
1300	<b>Manufacturing</b>	
1301	Wood processing plant	\$350.00 / year
1302	Chemical refinery	\$350.00 / year
1303	Electronics, precision instruments, small goods	\$160.00 / year
1304	All other classifications	\$350.00 / year
1400	<b>Printer and Publisher</b>	\$160.00 / year
1500	<b>Professional Business/Business Office</b>	
1501	Professional	\$160.00 / year
1502	Other business office	\$160.00 / year
1600	<b>Radio and T.V. Broadcasting</b>	\$160.00 / year
1700	<b>Merchant</b>	
1701	Retail up to 930 m <sup>2</sup> (10,011ft <sup>2</sup> ) floor area	\$160.00 / year
1702	Retail over 930m <sup>2</sup> (10,011ft <sup>2</sup> ) floor area	\$350.00 / year
1703	Wholesale	\$160.00 / year
1704	Mail Order	\$160.00 / year

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1800	<b>Fuel Sales, Storage</b>	
1801	Bulk sales and storage	\$350.00 / year
1802	Retail sales	\$350.00 / year
1803	Service station	\$350.00 / year
1804	Key lock station	\$350.00 / year
1900	<b>Transportation</b>	
1901	Truck terminal	\$160.00 / year
1902	Moving company	\$160.00 / year
1903	Transportation service	\$160.00 / year
1904	Vehicle hire	\$160.00 / year
1905	Delivery service	\$160.00 / year
1906	Taxi	\$160.00 / year
1907	Public transport	\$160.00 / year
2000	<b>Vending Machines</b> * *A license is not required under this classification if the owner is otherwise licensed in the Town.	\$450.00 / year
2100	<b>Warehousing</b>	\$160.00 / year
2200	<b>Apartment rental</b>	\$10.00 /unit/yr
2300	<b>Hotel complex</b>	\$350.00 / year
2400	<b>Motel</b>	\$160.00 / year
2500	<b>Boarding House</b>	\$160.00 / year
2600	<b>Miscellaneous</b>	\$160.00 / year
2700	<b>Escorts</b>	
2701	Escort Agency	\$1000.00 / year
2702	Escort Service	\$250.00 / year
3000	<b>Auxiliary Business</b>	\$50.00 / year
4000	<b>Non-profit Organization</b>	No fee

