

TOWN OF WATSON LAKE
BY-LAW 06-01

BEING A BY-LAW TO PROVIDE FOR THE LICENCING AND REGULATING OF BUSINESSES IN THE TOWN OF WATSON LAKE.

WHEREAS Section 265 of the Municipal Act 2002 provides in part as follows:

265 A Council may pass By-laws for Municipal purposes respecting the following matters:

265 (C) businesses, business activities and persons engaged in business.

AND WHEREAS it is deemed to be expedient and in the best interest of the Town of Watson Lake to provide for the licencing and regulating of all businesses carried on within the Municipality of Watson Lake.

NOW THEREFORE, the Council of the Municipality of the Town of Watson Lake in Open Meeting duly assembled, hereby ENACTS AS FOLLOWS:

1.00 SHORT TITLE

1.01 This By-Law may be cited as the "Business Licence BY-Law".

2.0 INTERPRETATION

In this By-Law, unless the context otherwise requires:

2.01 **BUSINESS** means

- (a) the carrying on of a commercial or industrial undertaking, or
- (b) a profession, trade, occupation, calling or employment, or
- (c) an activity providing goods or services

2.02 **CARRY ON OR OPERATE A BUSINESS** includes the action of any person providing any business activities including advertising by newspaper or any other means that he is open for business, or who advertises himself as open to render professional or other services to any other person.

2.03 **CHILD CARE SERVICES** means a business providing day care, child care, family day home, play school, or other similar types of services.

2.04 **DESIGNATED MUNICIPAL OFFICER** means a person employed by The Town of Watson Lake to fulfill specified duties under this Bylaw.

2.05 **HAWKER** means any person who, whether as principal or agent:

- a) goes from place to place selling or offering for sale any merchandise or services to any person, or
- b) offers or exposes for sale to any person by any means, merchandise or services which are to be delivered or shipped afterwards.

2.06 **LICENCE INSPECTOR** means the person appointed from time to time by Bylaw or resolution of Council as Inspector for the Town of Watson Lake.

- 2.07 **NON-RESIDENT BUSINESS** means a business, other than a resident business carried on within the Town or with respect to which any work or service is performed within the Town.
- 2.08 **RESIDENT BUSINESS** means a business carried on within or from a permanent place of business situated within the Town, or a business carried on by an individual who has been ordinarily resident within the Town for a continuous period of not less than six months immediately prior to the date that status as a resident business is being considered.
- 2.09 **STREET VENDOR** means a business carried on by a person from a stand, including a tent, vehicle or trailer.
- 2.10 **TOWN** means the Town of Watson Lake.

3.0 ADMINISTRATION OF LICENCES

- 3.01 (a) The Licence Inspector shall receive and deal with all applications for licences, refunds of fees, or any other change in status of a licence.
- (b) The Licence Inspector shall keep records of all applications for licences and other transactions as set out in Section 3.01 above.
- (c) The Licence Inspector shall examine all business licence application forms and other information submitted in connection thereto and based on its analysis and interpretation of the information, the Town may refuse to issue a licence.
- (d) Where a business requires approval to operate from a Yukon Health Officer, as defined by the Public Health Act, a Licence Inspector may request an applicant for a business licence to provide proof satisfactory to the Licence Inspector that an existing business or proposed business has been approved by the Yukon Health Officer and shall not issue a licence until such proof has been provided.
- (e) The Licence Inspector at any time a business is open for the purpose of conducting its business may inspect all premises licenced for that business to operate pursuant to the provisions of this By-Law, in order to ascertain that such premises and the operation of the business comply with the provisions of this Bylaw.
- (f) The Licence Inspector shall administer this bylaw and, as far as practicable, see that all persons concerned conform to its provisions, and to prosecute persons who fail to comply herewith.
- (g) No person shall interfere with or obstruct a Licence Inspector in the performance of duties being performed pursuant to this Bylaw.

- (h) Every licence issued under this Bylaw shall be mailed or delivered to the Licensee at the address contained in the Business Licence Application (Appendix "B") and the Licensee shall post the licence in a conspicuous place in the business premises. Where a business has no premises within which to post the licence, he shall produce his licence when required to do so during business hours by a Licence Inspector.

4.0 GENERAL LICENCE CONDITIONS

- 4.01 No person shall carry on or operate any business within or partly without the Town without first having obtained a business licence from the Town.
- 4.02 Every person required to obtain a business licence shall pay the fee prescribed in the Fee Schedule "Appendix A", and no licence shall be issued until said fee or penalties levied pursuant to this Bylaw are paid.
- 4.03 In addition to all licence fees otherwise payable under this bylaw, every person who fails to acquire a business licence at the time he is required to do so shall, when such business licence is finally issued, pay a penalty of ten percent of the applicable licence fee for every thirty days or portion thereof during which the business has operated without a valid business licence.
- 4.04 The fee payable for a seasonal licence (six months or less) at any time in any year shall be half of the fee set out in Schedule "A".
- 4.05 The holder of a non resident business licence shall not be entitled to a refund of that portion of the licence fee applicable to a non resident business upon becoming a resident business.
- 4.06 Every licence issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December in any year unless the licence has been sooner cancelled or forfeited.
- 4.07 Every licence issued pursuant to this Bylaw is not transferable and shall:
- a) be valid only in respect of the person to whom the licence is issued.
 - b) be valid only in respect of the address of the business set out in the Licence Application.
- 4.08 Any person who carries on more than one business in or from any one premise or location in the Town shall obtain a separate licence for each business. For the purpose of this bylaw, where a business is carried on, in, or from any more than one premise in the Town, each premise shall be deemed a separate business.
- 4.09 Every application for a business licence for a child care service must be accompanied by the proof of approval to operate by the Yukon Territorial Government.
- 4.10 Except in the case of a street vendor licenced under this Bylaw, no person or business shall store or accumulate goods or merchandise which are offered for sale or intended to be offered for sale on any street, sidewalk, boulevard or other public property unless authorized in advance by resolution of Council.

4.11 Subject to section 4.10 of this Bylaw where goods or merchandise are found stored on a street, sidewalk or boulevard or public property, the Licence Inspector may take said goods or merchandise into custody and cause them to be taken to a safe and suitable place, and the said goods or merchandise shall not be released to the owner thereof until the said owner or his agent has paid all costs and charges incurred in the removal and storage of the goods.

5.00 LICENCES SUBJECT TO ZONING

All licences are granted subject to the provisions of any Zoning Bylaw of the Town and the issuance of a licence shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of a Zoning Bylaw in force in the Town. Where a licence is granted to a person to carry on a business in or on premises where such activity is not permitted by the Zoning Bylaw, the Licence Inspector shall forthwith cancel the licence and refund the licence fee to the applicant.

6.00 APPEAL PROCESS

Any person who has been refused a business licence and any licence holder whose licence has been suspended or revoked may appeal in writing to Council within thirty days after a licence has been refused, otherwise the right of appeal shall be barred and extinguished.

7.00 REVOKING OF LICENCE

Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.

8.00 PENALTIES

8.01 Every person who is required by this bylaw to be licenced in respect of a business and who carries on or engages in such business within the Town without being licensed, commits an offence and is liable, upon conviction, to a fine not exceeding fifty dollars (\$50.00) for each day that he carried on or engages in such business while unlicensed.

8.01 Every person who violates or fails to comply with the provisions of this bylaw in respect of which no penalty is specified, commits an offence and is liable on summary conviction to a fine not exceeding five hundred (\$500.00) dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

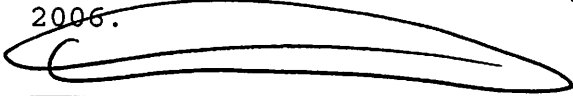
By-law #00-20 is hereby rescinded.

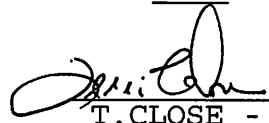
This Bylaw shall come into full force and effect upon the final passing thereof.

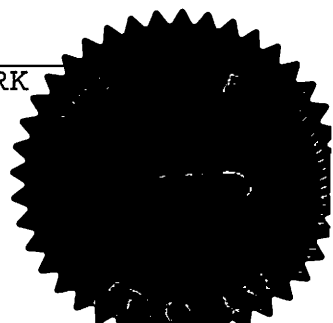
Read a First time this 7th day of February, 2006.

Read a Second time this 7th day of February, 2006.

Read a Third time and Finally Passed this 21 day of February, 2006.


R. DUROCHER - MAYOR


T. CLOSE - CLERK



Appendix "A"
By-Law 01-06

TOWN OF WATSON LAKE

Business Licence Fee Schedule

The annual Business Licence Fee shall be one hundred (\$100.00) for each business.

Where multiple businesses are operated from one location by one individual or company, the fee for the first business licence shall be one hundred (\$100.00) dollars and the fee for each additional business licence shall be fifty (\$50.00) dollars.

For a Non-Resident business, the annual Business Licence Fee shall be two hundred (\$200.00) for each business.