



BUSINESS LICENCE BYLAW 3964-2007

A bylaw respecting the Licensing of Businesses

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "Mission Business Licence Bylaw 3964-2007" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
4028-2007-3964(1)	December 13, 2007	Schedule "A"
4076-2008-3964(2)	September 2, 2008	Section 2.1 (b), (c), Schedule "A"
5002-2008-4030(1)	December 15, 2008	Schedule "A"
4098-2008-3964(3)	January 5, 2009	Schedule "A", Section 12
5070-2009 (general fees and charges amending)	December 14, 2009	Schedule "A"
5118-2010-3964(4)	April 6, 2010	Section 1, 2, 5, 9 and Schedule "A"
5157-2010-3964(5)	July 19, 2010	Schedule "A"

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF MISSION
BYLAW 3964-2007

A bylaw respecting the Licensing of Businesses

The Council of the District of Mission, in opening meeting assembled, ENACTS AS FOLLOWS:

1. Title

5118-2010-3964(4) 1.1 This Bylaw may be cited as "District of Mission Business Licence Bylaw 3964-2007".

2. Interpretation

5118-2010-3964(4) In this Bylaw:

5118-2010-3964(4) "*business*" means

Each legal entity or *person* that actively carries on *business* within the *District* of Mission, as a sole proprietor, a corporation or a partner (each partner is a separate legal entity not the *partnership* itself) is deemed to be a distinct *business*. *Businesses* are verifiable in that each legal entity carrying on *business* is required to file a tax return in regards to their *business* activities. A business includes any of the following activities:

- 4076-2008-3964(2)
5118-2010-3964(4)
- (a) carrying on a commercial or industrial activity or undertaking of any kind, or
 - (b) providing professional, *personal* or other services for purpose of gain or profit,
 - (c) providing any other services in exchange for money or other consideration, including non-profit services and/or businesses classified in Schedule "A",

5118-2010-3964(4) but does not include an activity carried out on or by either the Federal or Provincial governments including corporations or agencies owned by them, or by any public transit authority.

"*District*" means the District of Mission;

"*Licence Inspector*" means the Manager of Inspection Services for the *District* of Mission and any *person* appointed from time to time by the *Licence Inspector* or *persons* employed by the *District* as *Licence Inspector*;

"*non-resident business*" means a *business*, other than a *resident-business*, carried on in the *District* or with respect to which any work or service is performed in the *District*;

"*person*" includes a corporation, *partner* or party, and the *personal* or legal representatives of a *person* to whom the context can apply according to law;

"*partnership*" is the relation which subsists between *persons* carrying on *business* in common with a view of profit;

"*resident-business*" means a *business* carried on, in or from a premises or other place located within the *District*.

5118-2010-3964(4)

“*seasonal business*” means a business that is operated during a limited time frame of 6 months or less and that involves work that occurs during a season that is favourable to the business

3. Application

- 3.1 Except as provided in section 3.2, no *person* shall carry on any *business* within the *District* unless that *person* is the holder of a valid and subsisting licence issued under the provisions of this bylaw for the *business* so carried on.
- 3.2 The following non-*resident businesses* are not required to hold a licence:
- (a) a *person* practising a profession governed by a special Act unless that *person* regularly and generally carries on *business* in the *District*;
 - (b) a wholesaler, manufacturer or processor who is only in the *business* of offering for sale and delivering it to merchants for resale by them in the ordinary course of their *business*;
 - (c) a retailer who only delivers commodities sold by them in the ordinary course of *business* and pick-up commodities being returned or exchanged;
 - (d) owners or operators of taxicabs who only discharge passengers in the *District* from outside its boundaries; and
 - (e) owners or operators of carriers, other than taxicabs, who pick up passengers or chattels in the *District* for discharging or delivery outside the *District* or discharge or deliver in the *District* passengers or chattels picked up outside the *District*.

4. Licence Inspector

- 4.1 The Licence *Inspector* may:
- (a) enter any real property or other place at any reasonable time for the purpose of ascertaining whether the regulations and provisions of this bylaw are being complied with;
 - (b) grant, issue or transfer a licence if satisfied that the *person* for which application pertains has complied or is in process of complying with a bylaw or bylaws of the *District* regulating building, land use, health, fire, environmental and *business*;
 - (c) renew a licence, unless aware at the time of the renewal that the licensee or premises from which the *business* is operated is no longer in compliance with the provisions of this bylaw;
 - (d) impose terms and conditions in respect to the issuance, transfer, renewal or reinstatement of a licence under this bylaw and require the licensee to provide evidence to the satisfaction of the *Licence Inspector* of compliance with such terms or conditions;
 - (e) suspend or cancel a licence for reasonable cause, including where a licensee
 - (i) has failed to comply with a term or condition of the licence,
 - (ii) or the licensee's premises ceases to comply with a bylaw regulating building, land use, health, fire, environmental or *business*,

- (iii) is convicted of an offence under an Act or bylaw in respect of the *business* for which the licence has been issued or with respect to the premises named in the licence,
- (iv) is deemed, under the *Offence Act*, to have pleaded guilty to an offence under a bylaw in respect of the *business* or with respect to the premises named in the licence;
- (f) refuse a licence where satisfied that the applicant or the premises named in the application are not in compliance with this bylaw, provided reason is given to the applicant for such refusal.

4.2 Where an applicant has been refused a licence or a licence is suspended under section 4.1. the *Licence Inspector* shall notify the applicant or the licensee affected by the decision of their right to have the matter reconsidered by Council. The obligation under this section is satisfied if a reasonable effort is made by the *Licence Inspector* to notify the applicant or licensee affected, either in *person* or by telephone or by mailing, delivering or by posting the notification at the address or place named on the application or licence.

5. Application for a Licence

5118-2010-3964(4)

- 5.1 Every application for a licence or application for the transfer of an existing licence shall be made to the *District* on the application form provided for that purpose.”
- 5.2 Every applicant shall make a true and correct statement on the application form disclosing the nature and character of the *business* to be carried on, the name, address and telephone number of the owner, the applicant and the *business*, and such other required information.

6. Licence Fees and Licence Period

- 6.1 No licence shall be granted, issued, transferred or renewed to a *person* until that *person* has paid to the *District* the prescribed fee for the classification of business set out in Schedule “A”.
- 6.2 Every licence issued pursuant to this bylaw shall terminate on the 31st day of December in the year of issuance.
- 6.3 No pro rata reduction of the licence fee shall be made for a *person* who becomes liable to be licenced after the commencement of the licence period; except that the licence fee shall be reduced by one-half for a *person* who becomes liable to be licenced after the 30th day of September in any year.

7. Form and Transfer of Licence

- 7.1 In the event of a change of ownership of the *business* for which such licence is issued, the new owner shall apply for a new licence.
- 7.2 No *person* to whom a licence has been issued under this bylaw shall change the location of the premises named on the licence without first making application to the *Licence Inspector* for a new licence or transfer of the existing licence and being granted it.

- 7.3 No *person* shall carry on a *business* at any premises or location other than that specified in that *person's* licence.
- 7.4 For the purpose of this bylaw, where a *person* carries on a *business* from more than one premises in the *District* each *business* location shall be deemed to be a separate *business*.

8. Posting of Licence

- 8.1 Every *person* issued a licence to carry on a *resident-business* shall keep the same posted in a conspicuous place on the *business* premises named in the licence.

9. Offences and Penalties

- 9.1 Every *person* who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw is guilty of an offence, and, each day that violation is caused or allowed to continue shall constitute a separate offence.

- 9.2 Every *person* who commits an offence under this bylaw shall be liable upon summary conviction to a penalty of not less than \$250.00 and not more than \$5000.00 plus the costs.

5118-2010-3964(4)

- 9.3 Except for seasonal business, if a licensee continues to carry on *business* within the *District* of Mission and does not renew and pay for their licence prior to February 1st of each licence period (January 1st to December 31st), a late payment fee calculated at 25% of their annual licence fee as specified in Schedule "A" attached hereto will be applied.

5118-2010-3964(4)

- 9.4 Except for seasonal business, if a licensee continues to carry on *business* within the *District* of Mission and does not renew and pay for their licence prior to March 1st of each licence period (January 1st to December 31st), a late payment fee calculated at 50% of their annual license fee as specified in Schedule "A" attached hereto will be applied.

10. The "*District* of Mission *Business* Licence Bylaw No. 1728–1987" and all amendments thereto, are hereby repealed.

11. This Bylaw shall come into force and be of full effect and be binding on all *persons* from the date of its adoption.

READ A FIRST TIME this 16th day of April, 2007

READ A SECOND TIME this 16th day of April, 2007

READ A THIRD TIME this 16th day of April, 2007

RECONSIDERED AND FINALLY ADOPTED this 7th day of May, 2007

original signed by Mayor James Atebe
MAYOR

original signed by Dennis Clark
DIRECTOR OF CORPORATE
ADMINISTRATION

SCHEDULE "A"

ALL FEES FOR THE CLASSIFICATIONS LISTED BELOW ARE **\$148.00 ANNUALLY** (PLUS ANY APPLICABLE LATE PAYMENT FEE INCURRED FOR LATE PAYMENT OF ANNUAL FEES):

All non-profit organizations operating in the District of Mission which fall under the definition of 'business' as noted in this bylaw are required to obtain an annual business licence at a reduced fee of **\$10.00**.

1.00 **RENTAL PROPERTY**

From every *person* carrying on the *business* of letting rooms, suites, units or spaces in a commercial or industrial building, an apartment building, auto court, motel, townhouse complex, mobile home or trailer park.

2.00 **ARCADE**

From every *person* carrying on the *business* of an arcade.

3.00 **AUTOMOBILE/MOTORBOAT DEALER**

From every *person* carrying on the *business* of a dealer of new and used motor vehicles or both or of new and used motorboats or both.

4.00 **AUTOMOBILE GARAGE OR SERVICE STATION**

From every *person* carrying on the *business* of repairing and servicing motor vehicles and/or the sale of motor vehicle fuel.

5.00 **AUTO BODY REPAIR SHOP**

From every *person* carrying on the *business* of an auto body repair shop.

6.00 **AUTO WASH**

From every *person* carrying on the *business* of operating a motor vehicle washing facility.

7.00 **AUTO WRECKER**

From every *person* carrying on the *business* of a motor vehicle wrecker, including the sale of used auto parts.

8.00 **BANK, CREDIT UNION, TRUST, MORTGAGE OR LOAN COMPANY**

From every *person* carrying on the *business* of a bank, credit union, trust, mortgage or loan company.

9.00 **CATERER/CONCESSION**

From every *person* carrying on the *business* of a caterer or concession.

10.00 **COMMUNITY CARE FACILITY**

From every *person* carrying on the *business* of a Care Facility:

- i) Adult Care Facility, including nursing homes

- ii) Preschool, Family Day Care, Group Day Care, Child Minding Facility,
Out of School Care or Specialized Day Care
- iii) Day care for two or less children

11.00 **CHRISTMAS TREE SALES**

From every *person* carrying on the *business* of Christmas tree sales.

12.00 **CONSULTING, PERSONAL OR TECHNICAL SERVICES**

From every *person* carrying on the *business* of a consulting, *personal* or technical service not being a professional practice, including:

auctioneer	locksmith
accounting/bookkeeper	optician
barber or hairdresser	photographer
data processor	printer or publisher
dental mechanic	television or radio repair
designer or draughtsman	travel agent
income tax service	

13.00 **CONTRACTOR**

From every *person* performing or engaged to perform any type of construction whether such work is undertaken on an hourly, daily, weekly or monthly basis or cost plus basis or otherwise as a contractor, including:

building	heating, ventilation, air-conditioning
civil works	insulation
cladding or siding	land clearing
concrete finish	masonry
drywall	painting
electrical	paving
excavating	plumbing
finish	roofing
flooring	servicing
framing	wrecking

14.00 **KENNEL**

From every *person* carrying on the *business* of a kennel.

15.00 **EXHIBITIONS, CARNIVALS, CIRCUS**

From every *person* carrying on the *business* of an exhibition, carnival or circus, each day.

16.00 **FUNERAL HOME**

From every *person* carrying on the *business* of a funeral home.

17.00 **GOLF COURSE**

From every *person* carrying on the *business* of a golf course.

18.00 **HOME OCCUPATIONS**

From every *person* carrying on the *business* of a home occupation regulated by the Zoning Bylaw of the Municipality.

- 19.00 **HOTEL, CABARET OR NEIGHBOURHOOD PUB**
From every *person* carrying on the *business* of a Hotel, Cabaret or Neighbourhood Pub.
- 20.00 **SOCIAL HOUSING**
First stage housing
Supportive recovery house
- 21.00 **MANUFACTURER/PROCESSOR**
From every *person* carrying on the *business* of a manufacturer or processor.
- 22.00 **POTABLE WATER**
From every *person* carrying on the *business* of a Potable Water Hauler.
- 23.00 **PROFESSIONAL PRACTITIONER**
From every professional engaged in the *business* of practicing a profession governed by a Special Act, including:
- | | |
|---------------------------|---------------|
| accountants | land surveyor |
| appraisers | notary public |
| architects | optometrist |
| barristers and solicitors | physician |
| chiropractors | pharmacist |
| dentist | realtor |
| engineer | veterinarians |
- 24.00 **RESERVED**
- 25.00 **INSURANCE AGENT**
From every *person* carrying on the *business* of an insurance agent.
- 26.00 **RESTAURANT/FAST FOOD OUTLET**
From every *person* carrying on the *business* of a restaurant or fast food outlet:
- i) that serves liquor on the premises
 - ii) that has a drive through take-out window
 - iii) that does not fall within either of the above types of *businesses*
- 27.00 **RETAIL AND/OR WHOLESALE MERCHANT**
From every *person* who sells or offers for sale whether as a retail or wholesale merchant.
- 28.00 **SAND AND GRAVEL**
From every *person* carrying on the *business* of extracting sand, gravel or soil.
- 29.00 **TAXICAB**
From every *person* carrying on the *business* of a taxicab.

- 5118-2010-3964(4) 30.00 **TRANSIENT VENDOR**
From every *person* carrying on the *business* of a transient vendor.
- 5118-2010-3964(4) 31.00 **TRUCKER**
From every *person* carrying on the *business* of a trucker.
- 5118-2010-3964(4) 32.00 ***BUSINESSES NOT OTHERWISE STATED***
From every *person* carrying on a *business* not otherwise stated.