

CITY OF MERRITT

BYLAW 2034, 2008

A BYLAW TO REGULATE AND LICENSE BUSINESSES

**** (CONSOLIDATED FOR CONVENIENCE ONLY, INCLUDING BASE BYLAW NO. 2034 (2008) AND AMENDMENT BYLAW NO. 2130 (2012), 2248 (2018)) ****

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 Council of the City of Merritt, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw shall be cited as “City of Merritt Business Licence Bylaw No. 2034, 2008.

2. REPEAL

“City of Merritt Business Licence Bylaw No. 1359, 1992” and all amendments thereto are hereby repealed.

3. DEFINITIONS

Applicant means any person who makes 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

City	means the City of Merritt
Council	means the duly elected Council for the City of Merritt
Fire Chief	means any person appointed from time to time as Fire Chief for the City and includes any person acting lawfully in that capacity.
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 the family which 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.
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 Services Manager and Bylaw Services Officer
Licence	means a licence issued under this Bylaw
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
Resident Business	means a business carried on in or from premises within the City.
Street Mall	means resident and non-resident businesses operating as a mall on City property where Council has granted permission to do so

4. Licence Required

- 4.1 No person shall carry on, maintain, own or operate from premises within the City, a trade, business, profession, occupation or calling without holding a valid and subsisting licence issued under this Bylaw by the Licence Inspector.
- 4.2 No non-resident business shall carry on or operate a trade, business, profession, occupation or calling within the City without holding a valid and subsisting licence issued under this Bylaw by the Licence Inspector

Bylaw 2034, 2008
City of Merritt Business Licence Bylaw

4.3 Any person who,

- (a) advertises by newspaper publicity or otherwise, as open for business of any kind within the City of Merritt;
- (b) deals in or buys, sells, barter or displays, or offers by advertisement or otherwise to buy, sell or barter things of any kind, except as provided in section 4.5, either on behalf of himself or of any other person within the City of Merritt;
- (c) advertises as open to render professional or other services within the City of Merritt;

to the inhabitants or visitors, in the City, shall be deemed to be carrying on, engaged in, or practicing within the City their respective profession, business, trade, occupation, employment, calling or purpose.

4.4 A holder of a license shall apply for renewal of the licence prior to the beginning of each licensing period as long as the business for the licence is held is carried on, and shall pay to the City the annual licence fee of One Hundred and Fifty dollars (\$150.00).

4.5 Occasional yard or garage sales shall be limited to four (4) per calendar year *Amending Bylaw No. 2130, 2012* held by individuals on their residential property, or the occasional sale of personal goods is exempt from the provisions of 4.2(b) above.

5. Location, Hours, Number of Places of Business

5.1 No person required to be licensed herein 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 retailer may exhibit, offer for sale, or display goods on sidewalks immediately abutting and within one (1) meter of their retail premises, provided that such display does not impede pedestrian traffic.

5.3 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 permission of Council to do so as part of the business licence application process.

5.4 A person who carries on more than one business in any or from any one premise shall obtain a separate licence for each business.

5.5 Where a business is carried on in or from more than one premise in the City, the business carried on from or in each premises shall be deemed a separate business.

- 5.6 No person shall 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.

6.0 Street Malls

- 6.1 Any organization hosting a street mall shall be required to apply for and obtain a business licence under the provisions of this bylaw and said business licence will apply to all participating resident and non-resident businesses in the street mall.
- 6.2 Any organization hosting a street mall shall 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 street mall.
- 6.3 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 licence.
- 6.4 Any organization hosting a street mall shall be responsible for any businesses within the street mall, 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, provided that 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 application form shall be delivered to the Licence Inspector and shall be accompanied by the applicable licence application fee set out in Schedule "A". Where the proposed business requires approval by the Public Health Inspector, or other Provincial jurisdiction, these shall be provided by the applicant in support of the licence application. Incomplete applications will not be processed.
- 7.3 An application shall be subject to approval by the Building Inspector where required by the Provincial Government and bylaws of the municipality.

Bylaw 2034, 2008
City of Merritt Business Licence Bylaw

- 7.4 An executed consent for criminal record search, when required by the Licence Inspector shall be provided in support of the Business Licence Application. In the case of a partnership of multiple owners, an executed consent shall be delivered in respect of each partner or owner.
- 7.5 No licence application fee paid pursuant to this Bylaw shall be refundable.
- 7.6 Upon successful review of the application, the applicant shall be required to pay an annual business licence fee of one hundred and fifty dollars (\$150.00).
- 7.7 The business licence fee prescribed by this Bylaw shall be reduced by one-half in respect of a person who becomes liable to be licensed after the 31st day of July in any year.
- 7.8 A person required to be licensed under the provisions of this Bylaw who has failed to renew the Licence prior to the beginning of the licensing period shall pay to the City the following amounts, which amounts shall be in addition to the licence fee:
- (a) in respect of any licence fee paid within thirty (30) days from the beginning of the licensing period, 10% of the licence fee;
- (b) in respect of any licence fee paid from thirty-one (31) days or more after the dated fixed for payment of the licence fee, 20% of the amount the licence fee.

8. Issuing of Licences

- 8.1 The Council may, by resolution, appoint a person to the Licence Inspector and may, in addition, appoint such persons as Council deems necessary to assist the Licence Inspector in the administration and enforcement of this Bylaw.
- 8.2 The Licence Inspector is hereby authorized to grant, issue or transfer licences pursuant to this Bylaw where this Bylaw and other City Bylaws regulating building, zoning, health, sanitation and business are and will be complied with by the Applicant in respect of the premises.
- 8.3 The Licence Inspector is hereby authorized to determine with respect to each application for a licence, what class of business listed in Schedule "A" the application comes within.
- 8.4 The Licence Inspector shall, prior to issuing a licence, ensure approval in writing from the Fire Chief, Building Inspector, Medical Health Officer, Electrical Inspector for the Province of British Columbia and any other official concerned with the administration and enforcement of the City Bylaws referred to in section 7.2, has been submitted but only as required in each case.

8.5 Except as herein otherwise provided, licences shall be granted for a one year period to commence on the first day of January and to terminate on the 31st day of December in each and every year.

9. Changes Affecting a Licence

9.1 A person granted a business licence under this bylaw shall:

- (a) notify the Licence Inspector of any change in the mailing and/or business address, the classification of the business, the premises in which the business is being carried out, and
- (b) notify the Licence Inspector when the licence is no longer required.

9.2 Where a change to a business licence requires re-inspection to ensure compliance with the regulations under which the business licence was issued, the business licence holder shall be responsible for all associated re-inspection fees.

9.3 No person shall transfer a business to another person without obtaining a transfer of the licence.

9.4 An applicant for transfer of a licence to a new owner or change of business name shall pay to the Licence Inspector in advance a new licence being issued a fee of Twenty-five Dollars (\$25.00).

9.5 A transfer of premises shall incur a licence application fee as set out in Schedule A.

9.6 The Licence Inspector is hereby authorized to refuse to issue a transfer of licence where the premises to which the applicant wishes to transfer the business does not comply with the requirements of this Bylaw or other City Bylaws including regulating buildings, zoning, health and sanitation.

10. Licence to be Displayed

10.1 The licensee or person in charge or control of premises where the business for which a licence is issued or is carried on, shall at all times keep the licence or licences prominently displayed in the business area of the premises to which the public has access.

11. Inspection, Suspension and Cancellation

11.1 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.

- 11.2 The Licence Inspector may suspend a licence for such period as he may determine, subject to the business licence authority provisions of the *Community Charter*.
- 11.3 The Licence Inspector may cancel a business licence for reasonable cause, subject to the business licence authority provisions of the *Community Charter*.

12. Appeal Procedures

- 12.1 Any person whose licence has been suspended or cancelled, or has been refused a licence, or who wishes to appeal a business classification determined by the Licence Inspector, may appeal to Council by giving notice to the Corporate Services Manager of the intention to appeal. Such 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 and may confirm or set aside such decisions made by the Licence Inspector as it may deem fit.

13. Violations and Penalties

- 13.1 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.
- 13.2 Schedule "A" and regulations set out in Schedule "A" in respect of each class of business form a part of and are enforceable in the same manner as this Bylaw.

READ A FIRST TIME this	8 th day of July, 2008
READ A SECOND TIME this	08 th day of July, 2008
READ A THIRD TIME this	08 th day of July, 2008
ADOPTED this	12 th day of August, 2008

Original signed by
David Laird, MAYOR

Original signed by
Ruth Tolerton
Corporate Services Manager

Bylaw 2034, 2008
 City of Merritt Business Licence Bylaw

SCHEDULE “A”

Category	Licence Application Fee
Any business if not otherwise categorized in Schedule A	\$50.00
Agent for outside merchant – any person who, either on his own behalf or as an agent for another, sells or solicits or takes orders to be supplied by any person not carrying on a resident business within the City	\$50.00
Amusement Park – means any water slide, miniature golf course, go-kart track, bumper cars or similar place of entertainment Any person holding a licence under this section may also sell by retail without further licence or fee: food, novelties, tobacco, gifts and souvenirs	\$200.00
Beauty Salon, Hairdresser or Esthetician	\$125.00
Bed and Breakfast	\$125.00
Home based business	\$50.00
Car Wash	\$125.00
Carnival/Circus – each applicant for a licence issued under this classification shall provide to the Licence Inspector proof of \$2,000,000.00 liability insurance co-naming the City as insured	\$200.00
Chimney Cleaning Service – prior to issuance of licence, applications shall be approved by the Fire Chief	\$125.00
Christmas Tree Sales	\$50.00
Concession Sales or Snack Bar – means any business in which light refreshments, lunches, confectionary and tobacco, or any one or more of them are served or offered for sale in premises that do not exceed 47 sq. meters	\$125.00
Contractors/Subcontractors without storefront or office within the City of Merritt	\$50.00

Bylaw 2034, 2008
 City of Merritt Business Licence Bylaw

Daycare	\$125.00
Exhibition, Itinerant Show, Special Event or Entertainment	When held elsewhere than in a licensed theatre or other licensed place - \$200.00
Farmers' Market	\$50.00 for the organizing body
Fruit Stand	\$50.00
Hawker/Peddler/Huckster (non-resident) – selling by way of invitation or door-to-door	\$50.00
Home Party Sales – means persons selling cosmetics, home beautifiers, household cleaning products, educational products, clothing and toys which may be sold only by home party	\$50.00
Hotel, Motel, Auto Court, Rooming House, Apartment House, Lodging or Rooming House	\$200.00
Licensed Liquor Establishment	\$200.00
Manufactured Home Sales	\$125.00
Manufacturer/Processing Plants/Mills	\$250.00
Mobile Home Park – the owner of the mobile home park shall submit to the City of Merritt, on or before January 1 st of each year a) a list of the names and mailing addresses of the tenants; and b) an update of the list, on a quarterly basis prior to each water/sewer and garbage billing period, provided any changes warrant the update	\$200.00
Mobile Retail Sales and/or Itinerant Food Premises (resident) – means a person(s) not having a place of business within the City and who sells goods on private property on an intermittent basis and/or a vendor who travels throughout the City in a motorized conveyance and sells food items.	\$50.00
Mobile Food Vendors – not motorized – mean vendors who either push or pedal their goods	\$50.00
Not for Profit Organizations	No charge
Nursing Home or Private Hospital – persons caring for not more than two patients shall not be required to take out	\$250.00

Bylaw 2034, 2008
 City of Merritt Business Licence Bylaw

or hold a licence or pay a fee under this classification	
Pawnbroker	\$200.00
Restaurant, Café, Dining Room, Drive in Restaurant	\$200.00
Retail Cannabis Sales	\$650.00 Amending Bylaw No. 2248, 2018
Retail Store	\$200.00
Schools – (includes driving school, dance, martial arts, craft, music) operated as a home based business	\$50.00
Schools – (includes driving school, dance, martial arts, craft, music) operated from a non-home-based premises	\$125.00
Street Mall	\$250.00
Theater, Amusement Halls or Other Place of Assembly – this section shall include drive-in theaters, amusement hall, concert hall, music hall, opera house, rink, amusement park, movie theater, bingo hall or other place of amusement, entertainment or exhibition	\$200.00
Warehouse, Storage Warehouse, Bonded Storage	\$150.00
Yard Sale/Flea Market	\$125.00 for operating a yard sale or flea market which exceeds 4 Amending Bylaw No. 2130, 2012 days in any one year.