

Village of Teslin

Bylaw # 00-109

A Bylaw to provide for the licencing and of businesses in the Village of Teslin

WHEREAS the Municipal Act, Chapter 119, Statutes of the Yukon provides in Section 247 (1)(a) that Council may by by-law impose and collect business licences and fees.

NOW THEREFORE the Council of the Village of Teslin, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Short Title

This Bylaw may be cited as the “Business Licence Bylaw.”

2. Interpretation

In this By-law unless the context otherwise requires:

- (a) “Apartment” means any building or portion thereof containing three or more self contained dwelling units, each of which is occupied or intended to be occupied for living and sleeping purposes by one or more persons;
- (b) “Arcade” means any premises where there is kept operated for gain or hire, any pool or billiard table, computer games, or vending machines;
- (c) “Auction Service” includes every person selling or offering for sale by public auction any real or personal property;
- (d) “Bakery” includes any building or part of a building or any premises, workshop, room or place principally used for the preparation, making and baking of bread or any bakery product for sale, but does not include hotels or restaurants where any bakery product is made solely for consumption on the premises;
- (e) “Boarding House” includes every place where three or more persons are boarded or lodged by the day, week, or month, or where any accommodation, either board or lodging is furnished for a remuneration to transient guests, but does not include hotels or motels;
- (f) “Business” means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit;
- (g) “Carry on or operate a business” includes the action of any person who advertises themselves by newspaper, or otherwise, as open for business of any kind, or who advertises themselves as open to render professional or other services to any other person;
- (h) “Council” means the Council of the Village of Teslin;
- (i) “General Contractor” means any person engaged in the business of erecting, finishing, altering, or adding to buildings, structures, or earthwork, where at least one recognized trade is involved;

- (j) “Hawker and Peddler” means any person who, whether as principal or agent:
 - (i) goes from place to place or to a particular place and offers goods, wares, or merchandise for sale, or
 - (ii) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered or shipped into the Village, other than as a mail order business or a wholesale or retail dealer as such in the Village;
- (k) “Kennel” means any person engaged in the business of breeding, buying, selling or boarding dogs;
- (l) “Licence Inspector” means the persons appointed from time to times as the Chief Administrative Officer or as the Treasurer of the Village of Teslin;
- (m) “Non-resident business” means a business, other than a resident business carried on within the boundaries of the Village of Teslin or with respect to any work or service that is performed within the boundaries of the Village;
- (n) “Person” includes a corporation or a partnership;
- (o) “Premises” includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of any business;
- (p) “Resident Business” means a business carried on within or from a permanent place of business situated within the Village, or a business carried on by an individual who has been ordinarily resident within the Village for a continuous period of not less than six months immediately prior to the date that status as a resident business is being considered;
- (q) “Restaurant” includes premises where meals are prepared and sold to the public to be consumed on the premises, but does not include:
 - (i) premises wherein only soft drinks or ice cream in its various forms are sold to the public to be consumed on or off the premises, or
 - (ii) premises such as tents or stalls set up temporarily as restaurants to be used for a period not exceeding seven days in connection with fairs, bazaars, and the like;
- (r) “Village” means the Village of Teslin.

3. Duties of the Licence Inspector

The duties of the Licence Inspector are:

- (a) to receive and deal with all applications for licences and transfers thereof;
- (b) to keep a record of all applications for licences and transfers of licences;
- (c) to keep on file duplicates of all licences issues;
- (d) to ascertain as far as reasonably possible that all information furnished by the applicant is true in substance and in fact;
- (e) to prepare and issue all licences in accordance with this By-law;
- (f) to administer this By-law, as far as practicable, see that all persons concerned conform to its provisions and to prosecute person who fail to comply therewith.

4. Necessity for Licence

- (1) No person shall carry on or operate any business within, or partly within or without the Village, without first having obtained a business licence and paid the licence fee prescribed in this By-law.
- (2) Every person carrying on a business not specifically set forth in Schedule "A" hereto shall pay the fee prescribed in the said Schedule "A" for any business not otherwise classified.
- (3) This By-law shall not apply to any business which is exempted by any statute of the Yukon Territory from being required to hold a municipal business licence or trades licence.
- (4) Every licence issued pursuant to this By-law shall be valid only in respect of the person to whom the said licence is issued, and in respect of the address of the business stipulated thereon.
- (5) Any person who carries on or operates more than one business in or from any one premise shall obtain a separate licence for each business.
- (6) For the purpose of this By-law, where a business is carried on in, or from, more than one premises in the Village, each premises shall be deemed to be a separate business.
- (7) Any person or firm providing a professional health service in the Village or on an intermittent basis shall be exempt from licencing requirements.

5. Licence Fees

- (1) The fee payable for a licence issued between the 1st day of January and the 30th day of June in any calendar year shall be the full licence fee set out in Schedule "A" attached to this By-law; and the fee for a licence issued between the 1st day of July and the 31st day of December shall be sixty per centum (60%) of the fee set out in Schedule "A".
- (2) 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 as defined in this By-law.
- (3) In addition to all licence fees otherwise payable under this By-law, every person who fails to acquire a business licence at the time they are required to do so shall, when such business licence is finally issued, pay a penalty of ten per centum (10%) of the applicable licence fee for every thirty days (30) or portion thereof during which the business has operated without a valid business licence.
- (4) No business licence shall be issued to any person until such person has paid all licence fees and penalties required to be paid under this By-law.
- (5) The maximum amount a person shall pay annually for a business licence is five hundred dollars (\$500).

6. Conditional Licences

Where the Licence Inspector issues a licence subject to certain conditions he shall endorse on the licence the particulars of such conditions.

7. Licences Subject to Zoning

All licences are granted subject to the provisions of the Zoning By-law applicable within the Village 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 a Zoning By-law in force in the Village. 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 By-law, the Licence Inspector shall forthwith cancel the licence and refund the licence fee to the applicant.

8. Posting of Licence in Premises

Every licence issued under this By-law shall be made out and mailed or delivered to the licensee who shall post the licence in a conspicuous place in his business premises. Where a licence has no premises within which to post the licence, they shall produce their licence when required to do so during business hours by a Licence Inspector or any Peace Officer.

9. Transfer of Licence

- (1) Where a licensee makes application to change his place of business the Licence Inspector may, upon the payment of a twenty-five dollar (\$25.00) transfer fee and the surrender of the original licence, issue a replacement licence reflecting the address of the new place of business.
- (2) No replacement licence shall be issued in accordance with subsection (1) where the premises to which the applicant wishes to transfer the licence does not comply with the requirements of the Zoning By-law or the proposed use of those premises would not comply with the requirements of the Zoning By-law.

10. Appeal Where Licence Refused

- (1) Any person who has applied for but failed to be granted a licence may appeal to the Council and the Council may, by resolution, approve or deny the appellant's request for a licence.
- (2) Every such appeal shall be made in writing within thirty (30) days after a licence has been refused, otherwise the right of appeal shall be barred and extinguished.

11. Revocation of Licence

- (1) Council may revoke a licence for reasonable cause after giving notice to the licensee and after giving the licensee the opportunity to be heard.
- (2) The notice and opportunity to be heard referred to in subsection (1) is not required in respect of a licensee who by reasonable effort cannot be found.

12. General Contractor

The holder of a general contractor licence may engage in or perform any one of the more recognized building trades or earthwork with respect to any one building or construction project or contract.

13. Vending Machines

- (1) Except as provided in this section, no coin operated vending machine listed in Section 9 of Schedule “A” to this By-law shall be operated within the Village unless such machine is licenced by the owner thereof in accordance with this By-law.
- (3) No licence shall be required with respect to:
 - (a) vending machines which dispense to, or serve, only the owner of the vending machine or his employees; or
 - (b) coin operated washers, dryers or other laundry equipment provided by the owner of any apartment, boarding house, or rooming house for the exclusive use of the residents thereof, or
 - (c) where the vending machines are the property of the business licenced to operate a restaurant or lounge, or similar business, and are incidental to the operation of the licenced purpose.

14. Automobile Dealer and Garage Licences

The holder of an automobile dealer or garage licence may engage in or perform the services of auto washing, auto wrecking, new and used vehicles sales, body work, and painting, vehicle repairs, sale of automotive products and accessories, a service station, and towing and booster service, when such services are all provided on one premise.

15. Goods Offered For Sale on Streets or Public Property

- (1) No person shall store or accumulate goods or merchandise which are offered for sale or intended to be offered for sale on any street, sidewalk or boulevard, or other public property unless authorize in advance by resolution of Council.
- (2) No person shall, unless authorized in advance by a resolution of Council:
 - (a) offer for sale any merchandise or goods on any street, sidewalk, boulevard or other public place, or
 - (b) offer for sale any merchandise or goods on any street, sidewalk, boulevard or other public place by means of samples, patterns, cuts or blueprints which such merchandise or goods are to be delivered to the purchaser.
- (3) Subject to subsection (1) where goods or merchandise are found stored on a street, sidewalk, boulevard or public property, the Licence Inspector may take the 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 there of until the said owner or his agent has paid all costs and charges incurred in the removal and storage of the goods.

16. Penalties

- (1) Every person who is required by this By-law to be licenced in respect of a business and who carries on or engages in such business within the Village without being licenced, commits an offense and is liable, upon conviction, to a

fine not exceeding fifty dollars (\$50.00) for each day that he carries on or engages in such business while unlicensed.

- (2) Every person who violates or fails to comply with the provisions of this By-law in respect of which no penalty is specified, commits an offense and is liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00).

17. Repeal

Bylaw 6 (1984) is hereby repealed.

18. In Force

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

Read a first time this 20th day of December, 1999

Read a second time this 20th day of December, 1999

READ a third and finally passed this _____ day of _____, 2000.

Mayor Jim Clark

Clerk Don Spink

Schedule "A"

By-law #00-109

Classification	Annual Fee
1. Amusement Park – per day	\$50.00
2. Apartment/Boarding House/Hotel/Motel:	
For the first 5 units/rooms	\$75.00
For each additional room	\$10.00
3. Automotive:	
(a) dealer, new and used	\$150.00
(b) garage and fuel sales (including towing/boosting)	\$90.00
(c) rental and leasing	\$90.00
(d) fuel sales only	\$90.00
4. Bank or Bank Agency	\$120.00
5. Beer Parlour (including tavern, cabaret, cocktail lounge)	\$120.00
6. Catering Service	\$75.00
7. Club (licenced to sell liquor)	\$75.00
8. Cleaners and/or Laundramat	\$75.00
9. Coin Operated Machines:	
(a) vending machine: food, beverage, cigarettes, etc per machine	\$25.00
(b) amusement machines: music, video games, pinball Shuffleboard, pool table Per machine	\$25.00
10. Contractors:	
(a) general: building/road construction, etc	\$300.00
(b) specific Trades: carpentry, electrical, excavating, Plumbing, painting, dry wall, landscaping, drilling etc	\$120.00
11. Eating Establishments:	
(a) licenced dining room	\$90.00
(b) Restaurant or Coffee shop	\$90.00
(c) Refreshment Stand (no seating)	\$50.00

12. Fuel Dealer		
(a) Fuel Oil		\$90.00
(b) Wood		\$90.00
13. Hawker or Peddler		\$100.00
14. Janitorial Service		\$90.00
15. Merchant:		
(b) Retail		
(i) General (groceries, dry goods, drugs etc)		\$90.00
(ii) Specialty (bakery, crafts, sporting goods, souvenirs		\$75.00
(b) Wholesale		\$90.00
16. Professions not otherwise specified: accountants, engineers, lawyer, consultant, physiotherapists, etc		\$90.00
17. Tourist Facilities and Services:		
(a) Campgrounds/Trailer/Camper Parks		\$90.00
(b) Services: tour guide, fishing guide etc.		\$90.00
18. Transportation:		
air, bus, or road services (charters, delivery, taxi, pilot car truck transport, water transport)		\$90.00
19. ANY OTHER BUSINESS NOT OTHERWISE CLASSIFIED		\$90.00