

**THE CORPORATION OF THE VILLAGE OF CLINTON  
BUSINESS LICENSE AMENDMENT BYLAW NO. 565, 2019**

**A BYLAW TO AMEND VILLAGE OF CLINTON BUSINESS LICENSE BYLAW NO. 551, 2017**

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**WHEAREAS**            The Village of Clinton wishes to amend Village of Clinton Business License Bylaw No. 551, 2017

**NOW THEREFORE**    the Council of the Village of Clinton, in open meeting assembled enacts as follows:

**1. CITATION**

This Bylaw may be cited as "Village of Clinton Business License Amendment Bylaw No. 565, 2018".

The Bylaw will be effective as of January 1, 2020.

**2. AMENDMENTS**

- a. Part "D" Definitions Section 4 be changed to: Business License Fee – means those fees, as described in the Fees and Charges Bylaw Schedule "J" and determined by the Business License Inspector, which are payable by a person or entity for the business category that is the dominant or most known use by the person or entity.
- b. Part "F" Business License Regulations Section 18 be changed to: Business License fees are described in the Village of Clinton Fees and Charges Bylaw Schedule "J", which may be changed from time to time and shall be paid to the Village applicant with a business license application, invoicing and e-commerce transactions of a new Business License fee, transfer fee and other fees may be permitted it approved by the Business License Inspector.
- c. Part "F" Business License Regulations Section 19 be changed to: The Business License Inspector shall determine and distinguish where Business License Fees and/or Temporary Business License Fees are payable in accordance with the provisions of the Fees and Charges Bylaw Schedule "J"
- d. Part "F" Business License Regulation Section 20 be changed to: Business License Fees for new businesses starting after July 1 of a business licensing period will be reduced according to the Fees and Charges Bylaw Schedule "J". Pro-rating shall not apply to existing businesses which obtain temporary licenses pursuant to Section 20 or to other temporary businesses or businesses which have closed and re-opened within six months

- e. Part "F" Business License Regulation Section 24 be changed to: Temporary Business Licenses Fees are set out in the Fees and Charges Bylaw Schedule "J"
- f. Part "F" Business License Regulation Section 27 be changed to: In applying for a business license, if the applicant changes the location of the business prior to approval and issuance of a business license by the Business License Inspector, then the applicant must submit a revised business license application and pay a change of location fee in the amount set out in the Fees and Charges Bylaw Schedule "J"
- g. Part "H" Offenses and Penalties Section 2 a. be changed to: Shall be liable to a fine of not less than the amount identified in the Fees and Charges Bylaw Schedule "H"

**READ A FIRST TIME**                                      this      11th Day of December 2019.

**READ A SECOND TIME**                                      this      11th Day of December 2019.

**READ A THIRD TIME**                                      this      11th Day of December 2019.

**ADOPTED**                                                              this      08th Day of January 2020

  
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**MAYOR**

  
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**CORPORATE OFFICER**

# THE CORPORATION OF THE VILLAGE OF CLINTON

## VILLAGE OF CLINTON BUSINESS LICENSE BYLAW No. 551, 2017

### This Bylaw Governs Licenses and Regulations For Carrying On Business Within The Village Of Clinton

**WHEREAS** in accordance with Subsection 8(6) of the Community Charter, a municipality may, by bylaw, regulate in relation to business;

**AND WHEREAS** in accordance with Section 15 of the Community Charter, a municipality may provide for a system of licenses;

**AND WHEREAS** in accordance with Division 9 of Part 3 of the Community Charter, a municipality has additional powers in respect of business regulation.

The Council of the Corporation of the Village of Clinton, in open meeting assembled, enact as follows:

#### **A. TITLE**

1. This bylaw may be cited as the Village of Clinton Business License and Regulation Bylaw No. 551, 2017

#### **B. REPEAL**

1. The Village of Clinton Business Bylaw No. 259.1, 2001 and all amendments thereto, are repealed.
2. The Village of Clinton Fees & Charges Bylaw 538, 2016 Schedule "A" Business License Fees "only" is hereby repealed
3. Any business license issued under the former bylaw that has not expired on the date that this Bylaw comes into force and effect are deemed to have been issued under this Bylaw, and expire of December 31, 2017 or such earlier date as may be specified in the license.

#### **C. INTERPRETATION**

1. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.
2. Words or phrases defined in the British Columbia Interpretation Act, Community Charter, or Local Government Act, or any successor legislation shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper or lower case), when words or phrases that are defined in this bylaw are used in the body or schedules of this bylaw, they have the same meaning ascribed to them as set out in Definitions

3. The headings contained in this bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.
4. Metric units and imperial measurements are used for all measurements in this bylaw
5. Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any bylaw or Council policy referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Council of the Village of Clinton, as amended, revised, consolidated, or replaced from time to time.

#### **D. DEFINITIONS**

1. Business – means the carrying on of a commercial or industrial undertaking of any kind; or providing professional, personal, or other services with a purpose of gain or profit, but does not include any activity carried on by the Federal Government, the provincial government, or by corporations owned by the provincial government, or by agencies of the provincial government, the Thompson Nicola Regional District, or by the Village of Clinton.
2. Business License – means a license issued by the Village of Clinton in a form approved by the Business License Inspector, a license is required to operate a business in the Village of Clinton.
3. Business License Temporary – A temporary business license is permitted where an existing business is carried on from a fixed premises in the Village and the business wishes to independently carry on for a temporary period of time from a commercial premises elsewhere
4. Business License Fee – means those fees, as described in Schedule “A” attached hereto and determined by the Business License Inspector, which are payable by a person or entity for the business category that is the dominant or most known use by the person or entity.
5. Business License Inspector – means the officer(s) appointed as such from time to time by the Village of Clinton and any person delegated to assist in carrying out his/her duties under this bylaw
6. Council – means the Council for the Corporation of the Village of Clinton
7. Door to Door and Direct Sales – means the carrying on of a business by the display or demonstration of samples, the taking of orders, or the offering for sale of goods, wares, or other merchandise directly to or from any public place, in commercial premises or in private premises occupied by the prospective purchaser.
8. Greenhouses – means a structure covered with translucent material and used for the purpose of growing plants, which is of sufficient size for persons to work within the structure and for the purposes of this Bylaw does not include Medical Marijuana Grow Operations

9. Medical Marijuana Grow Operations – means the cultivation, growth, processing, storage or distribution of marijuana for medical purposes as lawfully permitted and authorized under the “Access to Cannabis for Medical Purposes Regulations”
10. Mobile Business – means a business carried out solely from a motor vehicle or other conveyance designed to be moved from place to place.
11. Municipality – means the Village of Clinton or the area within the boundaries of the Village of Clinton.
12. Person – includes a partnership or corporation.
13. Research and Development Laboratory – means a laboratory and associated offices for the development and/or testing of mechanical devices, materials and non-biohazard chemical products

#### **E. GENERAL REGULATIONS**

1. The following officers of the Village of Clinton are designates as “Business License Inspectors” for the purpose of issuing licenses and/or administering and enforcing the provisions of this bylaw:
  - a. CAO
  - b. Corporate Officer or Deputy
2. The Business License Inspector shall have the authority to grant or refuse a business license in any specific case, provided that a business license shall not be unreasonably refused and, in the case of refusal, upon request, the Business License Inspector must provide written reasons for refusal.
3. In considering whether to grant or refuse a business license, the Business License Inspector, shall assess factors including, but not limited to: whether or not the applicant has complied with the requirements of all acts, enactments, regulations, and bylaws governing building, zoning, fire, health, sanitation, or business.
4. The Business License Inspector may establish terms and conditions of a business license, or the terms and conditions that must be met for obtaining, continuing to hold, or renewing a business license.
5. In accordance with Section 16 of the Community Charter, the Business License Inspector shall have the authority to enter onto and into property to inspect and determine whether all regulations, prohibitions, and requirements established by this bylaw are being met.
6. Where any Federal/Provincial Act or Regulation or any other Village Bylaws applies to any matter covered by this bylaw, the issuance of a business license under the provisions of this bylaw shall not relieve the business license holder from complying with the provisions of such other enactments.
7. The issuance of a business license shall not be deemed to be a representation by the Village to the business license holder that the business or proposed business complies with any or all applicable bylaws or enactments. The business license holder remains responsible to ensure compliance with all bylaws and enactments.

8. Pursuant to Section 154 of the Community Charter, Council hereby delegates the authority, in accordance with Section 60 of the Community Charter, to suspend or cancel a business license to a Business License Inspector, including the authority, in accordance with Subsections 60(3) and 60(4) of the Community Charter, to give notice of the proposed suspension or cancellation and to hold a hearing at which the business license holder may be heard from before suspending or cancelling a business license.
9. The Business License Inspector may suspend or cancel a business license for:
  - a. Failure by a business license holder to comply with a term or condition of a business license
  - b. Failure by a business license holder to comply with this bylaw; or
  - c. Reasonable cause
10. Notice of suspension or cancellation of a business license:
  - a. Shall be issued to the business license holder by the Business License Inspector, in writing, outlining:
    - i. The reasons for the suspension or cancellation;
    - ii. The time, date, and place of the hearing at which the business license holder will have an opportunity to be heard;
  - b. Shall be served or delivered by registered mail to the business license holder to the address of the business shown on the business license application; and
  - c. May be posted by the Business License Inspector upon the premise(s) for which the business license is issued and such notice shall not be removed until the business license is reinstated, the former business license holder ceases to occupy the premise(s), or a new business other than the one carried on by the business license holder is started in the premise(s).
11. If the Business License Inspector exercises his or her authority to refuse, suspend, or cancel a business license, the applicant or business license holder who is subject to the decision is entitled to have Council reconsider the matter in accordance with Subsection 60(5) of the Community Charter.
12. An applicant or business license holder who wishes to have Council reconsider the refusal, suspension, or cancellation of a business license shall give written notice of its request for reconsideration to the Village's Corporate Officer and such notice must include a description of the grounds upon which the request for Council reconsideration is made.
13. Upon receipt of a written notice for reconsideration by the Village Corporate Officer, the Corporate Officer shall schedule the time, date, and place for Council to hear the reconsideration.
14. In reconsideration of a decision made by the Business License Inspector to refuse, suspend or cancel a business license, Council may confirm or set aside the Business License Inspector's decision as it may deem appropriate in the circumstances.

## F. BUSINESS LICENSE REGULATIONS

1. No person shall carry on any business or place signage on the sidewalks of the Village of Clinton
2. A license is not required for the following activities;
  - a. A performance, concert, exhibition or entertainment where the entire proceeds of which, above actual expenses, are devoted to a charitable purpose
  - b. A performance, concert, exhibition, entertainment or concession that is held in a licensed theatre or other licensed place
  - c. A business letting or renting rooms if not more than two (2) rooms are available for letting or renting
  - d. Commercial travelers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business
  - e. Owners or operators of retail businesses who only deliver commodities sold by them in the ordinary course of business and pick up commodities being returned or exchanged
  - f. Wholesalers, manufacturers, or processors who are only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicles to merchants for resale by them in the ordinary course of their business
  - g. Persons practicing a profession governed by a special Act, unless they are regularly and generally *carrying* on business in the municipality
3. No person or entity shall carry on a business within the Village without having obtained a valid business license issued by the Business License Inspector
4. A separate business license shall not be required for additional premises in circumstances where the premises used in carrying on a single business are comprised of multiple contiguous parcels of land or multiple portions of a building that are each accessible to each other through internal doorways without leaving the building.
5. Where there is more than one separate and distinct business category located within the same premises, each business category shall have a separate business license.
6. Where a business operates with more than one distinct trade name within the same premises, only a single Business License Fee will be required – subject to the following:
  - a. The business license issued must include both trade names on one license;
  - b. The second trade name business activity must fall within the same business category and sub category as the first license
  - c. The ownership for both trade names must be the same
  - d. The second trade name business activity must be in the same location as the primary business
  - e. Only businesses with flat rate Business License Fee calculations are eligible; and
  - f. *Businesses requesting separate licenses for each trade name will be required to pay the Business License Fee for that classification (as determined by the Business License Inspector)*
7. Except as otherwise provided, business licenses shall be granted for a one year period, to commence on the first day of January and to terminate on the 31<sup>st</sup> day of December in each year and every year.

8. Business License Fees are not refundable after issuance.
9. A license shall be valid for the year in which it is obtained unless it has been cancelled
10. In order to continue to operate a business beyond the term of its license, a licensee must renew the license by paying the application license fee. For every license renewal the fee must be paid before February 28, of each and every year that the business activity continues.
11. License fees that remain unpaid after February 28 will be treated as a new application and the appropriate fees shall apply.
12. Businesses that do not renew their business license may be removed from the business license file and be considered no longer in business where the Village has determined through reasonable efforts, that the business is no longer active.
13. Every person applying for a business license shall complete the business license application form approved by the Business License Inspector. Applications may be signed by the owner or a duly authorized representative.
14. Business License applications received through approved on-line processes may be made without signature
15. Applications for change of location of home occupation business or applications made for change of mailing address for commercial and non-resident business can be made by telephone or email.
16. Applications may require additional documentation to be submitted in order for processing by the Village.
17. Any person making an application for a business license shall, on the business license application form approved by the Business License Inspector, give true and correct details in respect of the business for which the business license is being applied. Any false declaration or concealment of material facts by a person making application for a business license shall be deemed a contravention of this bylaw.
18. Business License fees are described in Schedule "A" attached hereto and shall be paid to the Village by the applicant with a business license application, invoicing and e-commerce transactions of a new Business License Fee, transfer fee, and other fees may be permitted if approved by the Business License Inspector
19. *The Business License Inspector shall determine and distinguish where Business License Fees and/or Temporary Business License Fees are payable in accordance with the provisions of Schedule "A" attached hereto.*
20. Business License Fees for new businesses starting after July 1 of a business licensing period will be reduced according to Schedule "A". Pro-rating shall not apply to existing businesses which obtain temporary licenses pursuant to Section 20 or to other temporary businesses or businesses which have closed and re-opened within six months.
21. Every business license granted pursuant to this bylaw shall state that the holder is licensed to carry on the business stipulated in such business license in a lawful manner



for the period specified in the business license at the place stated in the business license.

22. Business licenses shall be permanently displayed at all times in the business area of the premise(s) for businesses which have public access. All other businesses shall produce the business license certificate when requested for public inspection. Mobile Food Concessions, and Food Trucks and Trailers must display the business license on the Mobile Food Concession, or the Food Truck or Trailer.
23. A Business License is required for a Temporary Business.
24. Temporary Business Licenses Fees are set out in Schedule "A" attached hereto
25. Changes of location in respect of a business license shall not be permitted unless and until the business license holder completes a new application for a business license and pays a change of location fee to the Village in the amount set out in Schedule "A" attached hereto
26. Home-based Businesses that change their location to another home are exempt from the requirement to pay a change of location fee, but must submit a new business license application prior to the change of location.
27. In applying for a business license, if the applicant changes the location of the business prior to approval and issuance of a business license by the Business License Inspector, then the applicant must submit a revised business license application and pay a change of location fee in the amount set out in Schedule "A" attached hereto for each new location.
28. Business licenses shall not be assignable or transferable and, when ownership of a business changes (including change in control of a business entity), the new business owner must apply to the Village for a new business license.
29. Notwithstanding that a new business owner must apply for a new business license, if all outstanding Business License Fees are paid to date in respect of the existing business license, then there will be no additional Business License Fee payable by the new owner for the current licensing period.
30. Every business license holder shall notify the Business License Inspector in writing or by email of any change in the name, ownership, mailing and/or business address, the business practice, the floor area of the premise(s), the number of people, rental units, games machines, or vehicles used in the operation of the business or any alteration to the premises in which the business is carried on.
31. Upon the termination or closing of a business, the business holder shall notify the Business License Inspector that a business license is no longer required.

## **G. SPECIFIC BUSINESS REGULATIONS**

### **Adult Services – Escort Service; Body Rub Parlor**

1. Every person carrying on the business of or operating an Escort Service or Body Rub Parlor shall:
  - a. Supply the Business License Inspector, at the time of application, with the name, age, birth, date, and address of every person proposed to be employed or engaged as a shareholder in the said business;
  - b. Supply the Business License Inspector, at the time of application, with an official passport, photograph of every person proposed to be employed or engaged as a shareholder in the said business, with the date that the photograph was taken and the name and address of the photographer stamped on the back;
  - c. Notify the Business License Inspector within forty-eight (48) hours of any change in the personnel employed, or the shareholders engaged, in the said business
  - d. Maintain to the satisfaction of the Business License Inspector a written record of every request to provide a service or furnish an escort, giving name and address of the person requesting the service together with the name of the person recommended to provide the service
  - e. Ensure that all persons employed or engaged in the said business are bonded in accordance with the Bonding Act prior to commencing any work on behalf of said business;
  - f. Ensure that any person employed by or engaged in such business wears, while providing a service, a distinguishable and clearly visible name tag that includes the name of the business and the name of the employee; and
  - g. Not operate the said business between the hours of 8:00 pm and 8:00 am of the following day
2. The premises of a Body Rub Parlor must meet the requirements of the Health Act of British Columbia with respect to personal service establishments
3. Any person, while operating or employed in a Body Rub Parlor must be clothed in clean, washable, non-transparent, outer garments that cover the body between the neck and the knee.
4. The provisions of this section do not apply to licensed and certified massage and physical therapists that are certified under the appropriate Provincial and/or Federal legislation.

### **Arcades, Amusement Establishments and Billiard/Pool Halls**

1. Arcades, Amusement Establishments and Billiard/Pool Halls are identified as such if amusement machines are installed on the premises
2. Slot machines, gambling tables and other equipment which are licensed by the Provincial Government are not considered Amusement Machines in this Bylaw
3. This section of the bylaw does not apply to businesses which have Amusement Machines on their premises if the Amusement Machines are incidental to the principle use of the premises

4. No operator of an Arcade, Amusement Establishment or Billiard Pool Hall shall allow any person under the apparent age of sixteen (16) years to enter or be in said business after 9:00 pm on any day, except when such person is accompanied by his parent or responsible adult
5. No operator of an Arcade, Amusement Establishment or Billiard/Pool Hall shall operate said business between the hours of 12:00 am and 10 am Monday through Saturday, and between the hours of 9:00 pm and 11:00 am on Sundays
6. The interior of every Arcade, Amusement Establishment and Billiard/Pool Hall shall be fully visible from the windowed exterior of the premises, unobstructed by paint, murals, drapes, dark lighting or tinted glass
7. No alcohol shall be allowed on the premises of an Arcade, Amusement Establishment or Billiard/Pool Hall unless permitted by the Provincial Liquor Control and Licensing Branch

#### Canvasser (Door to Door Sales)

1. Every person who engages in canvassing for profit must apply for a separate Business License
2. Prior to each canvassing exercise, the operator or agent of the business must provide the following details to the Business License Inspector:
  - a. A list and description of the products or services being sold
  - b. The time period for the canvassing exercise
  - c. The target area
  - d. A list of all individuals involved in canvassing
3. All individuals engaged in canvassing must have personal photo identification, complete with the name of business and a contact telephone, affixed to their persons in a plainly visible place.
4. No operator or employee of a business engaged in for-profit canvassing shall visit any residence between the hours of 8:00 pm to 8:00 am for the purpose of selling products or services of any kind, unless a previous appointment has been made for a visit.

#### Carnival/Circus

1. A person shall require Business License on private property
2. A person applying for a license to hold a carnival or circus on public property may be required by the Business License Inspector to obtain and maintain comprehensive general liability insurance in the amount of not less than Five Million Dollars (\$5,000,000) and in conjunction with such insurance:
  - a. The Village shall be included as an additional insured in the insurance policies that are obtained;
  - b. The business license holder shall hold the Village harmless against claims, actions for injury, damage, loss, or death arising out of or resulting from the operation of the carnival or circus;
  - c. The business license holder's insurer must recognize, in writing in the insurance policy, the existence of the above hold harmless clause;
  - d. An endorsement that the policy shall not be cancelled, lapsed, or materially altered without giving thirty (30) days written notice to the Village of Clinton; and

- e. Proof of such insurance to the satisfaction of the Village shall be submitted to the Business License Inspector prior to the issuance of a business license
3. As a condition of issuance of a business license in respect of a carnival or circus on public property, or at any time during the term of the license, the Business License Inspector may require:
  - a. Proof that all machines, rides, and equipment to be used by the public at the carnival or circus conform to the safety standards of the provincial authority having jurisdiction; and/or
  - b. A deposit with the Village of a Standby Letter of Irrevocable Credit in the amount of Five Thousand Dollars (\$5000.00) which shall be held by the Village as security to reimburse any expenses incurred to carry out clean-up operations or repair damage caused by the operation of the carnival or circus, it being understood that the Village may bring legal action or exercise other remedies against the license holder if the clean-up operations or cost of repairs exceed the sum of Five Thousand Dollars (\$5000.00). The security shall be returned to the business license holder if the Village is satisfied that the business license holder has carried out the necessary clean-up operations or repairs.

#### Farmers' Markets

1. A Farmers' Market means an open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat, local eggs, local dairy products, local plants, local prepared foods, local ready to eat foods, local artisan crafts, local wine, cider beer or spirits
2. The Business License Inspector shall determine if the location has been approved by Council for public properties or from the property owner for private properties
3. The Business License Inspector may limit the number of vendors allowed on the designated site
4. The Society or Owner of the Property shall require a separate Business License for the operation of the Farmer's Market
5. The Society or Owner of Property shall provide a list of the vendors and their products at the start of the season and ensure any new vendors are registered with the Village of Clinton
6. A business license shall be obtained for a full year (with no refund) by the Society or Owner of the property and all vendors within the Farmers Market area will be exempt from a business license while located in the defined area of the Farmers Market
7. The Society or Owner shall provide a sketch or diagram where the Farmers' Market will be located and a letter from the owner of the property agreeing to the location of the Farmers Market
8. The Farmers Market shall not be located in a residential area and preferably be located in the Commercial or Industrial Zoned areas of the community.
9. A Farmers Market shall only operate for a period of three (3) consecutive days in any given week

10. For special occasions the Farmers Market may operate for more days during the week with written permission from Council

### Greenhouses

1. *A Business License will be required for greenhouse operations, where the product will be made available for commercial distribution*
2. The Business License cannot form part of another business entity
3. The owner of the green house must comply with regulations set out in other acts and regulations set out by the Village, the Province and Federal governments.

### Home Based Businesses

1. The Business License Inspector shall be satisfied that the following conditions have been met before consideration to approve the Business License for a Home Based Business
2. Home Based Business means any business for gain or support conducted entirely within a dwelling house by members of the family residing in such dwelling unit provided that:
  - a. There is no external storage of goods or materials
  - b. Such home business is secondary to the main residential use and does not change the residential character of the dwelling house or unit nor create or become a nuisance, in particular with regard to noise, traffic or parking
  - c. (REFER TO THE VILLAGE OF CLINTON ZONING BYLAW)
3. The Home Based Business includes the following:
  - a. The office of an accountant, architect, clergy, dentist, tax consultant, engineer, lawyer, physician, bookkeeper, real estate agent, or other professional person;
    - i. The office or studio of an artist, draft person, barber, beautician, naturopath, massage therapist, chiropractor, picture framer, tailor, dressmaker, music or dance teacher, photographer, writer, dog groomer, hairdresser, or persons engaged in home crafts or hobbies
    - ii. Locksmiths, computer technicians, appliance repair, and electronic instrument repair;
    - iii. The keeping of more than two (2) boarders
    - iv. The operation of a day care or preschool for not more than 7 preschool or school aged children;
    - v. And a bed and breakfast operation
  - b. A home based business shall be required to carry on a business, licensed under this bylaw for the dwellings where the businesses are carried on.
  - c. The home based business shall not occupy more than 75 sq m (807 sq ft) of the dwelling unit or accessory building, or 25% of the gross floor area of the dwelling units, whichever is less
  - d. No retail sales other than the sale of goods produced on the premises are permitted
  - e. The home base business shall be carried out within the principle dwelling unit, or within an accessory building, with no external storage of materials, containers or finished products

- f. A home-based business shall not be permitted to have a commercial vehicle exceeding 5 tonnes (11,000 lbs) gross vehicle weight, located outside of an unenclosed building
- g. Not more than one (1) non-family member may be employed to work in the home based business on the site occupied by the principle dwelling unit
- h. A home based business shall not generate traffic congestion or parking problems within the Village or the immediate neighbourhood and shall not produce a public offence or nuisance of any kind
- i. A home based business may not involve manufacturing, welding or other light industries which create a noise, smoke, dust or fume nuisance
- j. A home based business will not involve materials or products that produce inflammable or explosive vapours or gases under normal Clinton temperatures
- k. There shall be no exterior indication that the building is being used for any other purpose other than the dwelling, except for a sign in accordance with the Signage Bylaw
- l. (REFER TO THE VILLAGE OF CLINTON ZONING BYLAW)

#### Liquor Establishments

- a. Liquor Establishments include, but not limited to, Cold Beer and Wine Stores, pubs, restaurants serving liquor, liquor stores and other agencies selling liquor for a profit
- b. A business license is not required for non-profit organizations, societies or groups using public facilities for events
- c. Use all reasonable efforts to conduct business in such a manner that customers awaiting entry into the liquor establishment do not obstruct sidewalks or entry or exit areas;
- d. Liquor establishments shall post signage that is clearly visible to customers, and satisfactory to the Business License Inspector, requesting customers to respect the adjacent neighbourhood as they leave
- e. Liquor establishments with Patio Service shall be closed before 10 pm for each day of operation
- f. After closing each day and before 7 am, clean up all litter associated with the liquor establishment in and about the exterior of the liquor establishment

#### Medical Marijuana Grow Operations

Means the cultivation, growth, processing, storage or distribution of marijuana for medical purposes as lawfully permitted and authorized under the "Access to Cannabis for Medical Purposes Regulations"

1. Medical Marijuana Grow Operations will be subject to the following restrictions within the Industrial zoned areas (only):
  - a. A minimum parcel size of 5 acres
  - b. A minimum set back of 50 metres from all parcel lines
  - c. Health Canada Approval
2. (REFER TO THE VILLAGE OF CLINTON ZONING BYLAWS)

#### Mobile/Street Vender

1. Each mobile/Street Vender is required to reapply annually for a Business License and any discounts do not apply

2. A mobile/street vendor shall park his vehicle, portable stand, cart or other conveyance only on privately-owned property for which they have obtained written permission of the property owner and tenant or such other persons duly authorized to give such permission. Such conveyance shall have their name and address marked in a conspicuous manner on both sides.
3. Every mobile/street vendor who sells any commodity by its weight, shall have available and use a weigh scale capable of accurately weighing any such commodity
4. A Health Permit is required for the selling of perishable foods (ie: foods containing meat, poultry or dairy products)
5. Every mobile/street vendor shall ensure that the business does not obstruct the free movement of pedestrians and traffic, as applicable
6. Every mobile/street vendor shall ensure that any and all litter, refuse or garbage generated by the business be disposed of appropriately, and that the space is maintained and left in a safe, clean and sanitary condition

#### Security and Patrol, Vehicles for Hire, Tobacco and Liquor Home Delivery Service Businesses

1. As a condition of issuance of a business license in respect of carrying on the business of watching, guarding or patrolling for the protection of persons or property, or as a private detective, the Business License Inspector may require each person involved in the business to:
  - a. Hold a license as set out in the Security Services Act; and/or
  - b. Provide a confirmation of a satisfactory criminal record check
2. Prior to issuance of a business license in respect of carrying on the business involving sales or services of security, patrol, liquor home delivery, tobacco home delivery, or vehicle for hire, the Business License Inspector may, as is reasonable in the circumstances, rely on comments of the RCMP in determining whether to grant or refuse a business license.

#### Second-Hand Dealers and Pawnbrokers

1. The Business License Inspector may require evidence on whether the business entity meets the conditions of the Pawnbrokers Act in British Columbia
2. Every operator under this category shall ensure that his premises are maintained in an orderly and safe condition, and shall ensure that no part of the premises are unsightly
3. This section of the bylaw does not apply to operators of second-hand art and book shops, second hand clothing stores and not for profit thrift stores.

#### Special Events

1. A business entity must complete the "Business License Application for Special Events" to obtain a valid business license for the location where a special event is to be held or conducted, except in the case where the location is occupied by a not-for-profit entity which is not required to hold a business license for the location

2. A business license for each user, occupier, or vendor is not required if the organizer of the special event holds a valid business license for that location, or the organizer is a not-for-profit entity which continuously and legally occupies the location, whether or not they are required to hold a valid business license for that location
3. The Business License Inspector may waive the license fee for a special event where the organizer is a not-for-profit organization and the purpose of the event is to raise funds for charitable purposes

**H. OFFENCES AND PENALTIES**

1. No person shall do any act or permit any act or thing to be done in contravention of this bylaw
2. Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
  - a. Shall be liable to a fine of not less than the amount identified in Schedule "B" attached hereto, in addition to any other penalty imposed under this bylaw;
  - b. Where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the Community Charter of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the Community Charter; or
  - c. Any combination of the above
3. Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence
4. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or regulation

**I. SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

1. Schedule "A" – Business License Fees and Business Categories
2. Schedule "B" – Fine Schedule
3. Schedule "C" - Forms

<b>READ</b> a first time this	28 <sup>th</sup> day of June, 2017
<b>READ</b> a second time this	28 <sup>th</sup> day of June, 2017
<b>READ</b> a third time this	28 <sup>th</sup> day of June, 2017

<b>ADOPTED</b> this	12 <sup>th</sup> day of July, 2017
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 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 Corporate Officer



## SCHEDULE "A"

### BUSINESS LICENSE FEES AND BUSINESS CATEGORIES

The following Business License Fees for each of the business categories listed in this Schedule "A" to Village of Clinton Bylaw No. 551, 2017 a Bylaw governing licenses and regulations for Carrying on business within the Village of Clinton, are payable by every person carrying on business as classified herein in each one-year licensing period (unless otherwise indicated) in accordance with the terms and conditions of this bylaw.

**1. ALL BUSINESSES**

All businesses which are not covered specifically within Schedule "A" of this bylaw will be charged a Business License Fee of:

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
Business License	\$100.00	\$80.00	\$60.00
Mobile Venter	\$200.00	Not Applicable	Not Applicable

**2. CARNIVAL/CIRCUS**

Carnival or Circus Event

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
Carnival/Circus	\$200.00	Not Applicable	Not Applicable

**3. MANUFACTURING, REFINING & ENERGY PRODUCTION**

*Manufacturing a product or thing, including, but not limited to: food and beverage products, mining, energy production, water bottling, etc*

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
All Related	\$100.00	\$80.00	\$60.00

**4. MEDICAL MARIJUANA GROW OPERATIONS**

Is the cultivation, growth, processing, storage or distribution of marijuana for medical purposes as lawfully permitted and authorized under the "Access to Cannabis for Medical Purposes Regulations"

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
Medical Marijuana Grow Operations	\$1000.00	Not Applicable	\$500.00

**5. RENTALS & LODGING**

For any person offering for rent or lodging, where more than 2 rooms are available for letting or renting.

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
All Rentals & Lodgings	\$100.00	\$80.00	60.00

**6. SPECIAL EVENTS**

CATEGORY	PRIMARY FEE	RENEWAL	AFTER JULY 1 FEE
Special Events	\$200.00	Not Applicable	Not applicable

**7. CHANGE OF LOCATION FEE**

For the purpose of Section 423 of the bylaw, the change of location fee is \$25.00 (Note: Home Base Business exempted)

**8. TEMPORARY BUSINESS LICENSE FEES**

For the purpose of this bylaw, the Temporary Business License Fees are as follows:

- a. Where an existing business is carried on from a fixed premise in the Village and the business wishes to independently carry on a temporary period of time from a commercial premise elsewhere, the following fees shall be payable:
  - Up to 7 consecutive days - \$25.00; or
  - No more than 15 consecutive days - \$50.00
- b. Where a business participates in a trade show or exhibition in the Village for not longer than 15 days, the organizing body shall obtain a business license for the trade show or exhibition, and the following conditions and fees shall apply:
  - Obtain Council approval in writing
  - \$5.00 per business per day; or
  - A minimum fee of \$5.00, whichever is greater, to a maximum fee of \$50.00
- c. Any Temporary Business operating more than 30 days in a calendar year must apply for a regular Business License
- d. All other temporary businesses prorating of fees shall not apply.

## SCHEDULE "B"

### FINE SCHEDULE

#### OFFENCE

1. No Business License
2. Failure to display Business License

#### FINE

\$200.00

\$50.00

# SCHEDULE "C"

## FORMS

### 1. Business License Application

#### VILLAGE OF CLINTON BUSINESS LICENSE APPLICATION

A. Name(s) of Applicant (print in full)

\_\_\_\_\_

B. Name of Business

\_\_\_\_\_

C. Address: (Street & PO Box #)

E-mail: \_\_\_\_\_

\_\_\_\_\_

D. Type of Business

\_\_\_\_\_

E. Is your Business License name registered in the Province of British Columbia

Yes \_\_\_\_\_

No \_\_\_\_\_

F. Temporary Business License Only

Start Date \_\_\_\_\_

Cancellation Date \_\_\_\_\_

G. Zoning of Business License

\_\_\_\_\_

H. Other Information

Has Classification of Business Changed Yes \_\_\_\_\_ No \_\_\_\_\_

Has the Occupancy of the Business Changed Yes \_\_\_\_\_ No \_\_\_\_\_

Has the Building been vacant for 6 months Yes \_\_\_\_\_ No \_\_\_\_\_

I. Have you held a Business License before

Yes \_\_\_\_\_ No \_\_\_\_\_

If so where: \_\_\_\_\_

If so name of previous Business \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

J. **FOR MUNICIPAL USE ONLY**

a. Building Inspector Review: No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

b. Fire Department Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

c. Health Inspector Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

d. Complied Zoning No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

e. Services Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

f. License Fee Amount \$ \_\_\_\_\_ .00

g. License Fee Collected Yes \_\_\_\_\_ No \_\_\_\_\_

h. Business License Inspector Approval Yes \_\_\_\_\_ No \_\_\_\_\_

If No what are the reasons:

\_\_\_\_\_

\_\_\_\_\_

# SCHEDULE "C"

## FORMS

### 1. Business License Application

#### VILLAGE OF CLINTON BUSINESS LICENSE APPLICATION

A. Name(s) of Applicant (print in full)

\_\_\_\_\_

B. Name of Business

\_\_\_\_\_

C. Address: (Street & PO Box #)

E-mail: \_\_\_\_\_

\_\_\_\_\_

D. Type of Business

\_\_\_\_\_

E. Is your Business License name registered in the Province of British Columbia

Yes \_\_\_\_\_

No \_\_\_\_\_

F. Temporary Business License Only

Start Date \_\_\_\_\_

Cancellation Date \_\_\_\_\_

G. Zoning of Business License

\_\_\_\_\_

H. Other Information

Has Classification of Business Changed

Yes \_\_\_\_\_

No \_\_\_\_\_

Has the Occupancy of the Business Changed

Yes \_\_\_\_\_

No \_\_\_\_\_

Has the Building been vacant for 6 months Yes \_\_\_\_\_

No \_\_\_\_\_

I. Have you held a Business License before

Yes \_\_\_\_\_

No \_\_\_\_\_

If so where: \_\_\_\_\_

If so name of previous Business \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

#### J. FOR MUNICIPAL USE ONLY

a. Building Inspector Review: No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

b. Fire Department Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

c. Health Inspector Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

d. Complied Zoning No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

e. Services Review No \_\_\_\_\_ Yes: When \_\_\_\_\_ N/A \_\_\_\_\_

f. License Fee Amount \$ \_\_\_\_\_ .00

g. License Fee Collected Yes \_\_\_\_\_ No \_\_\_\_\_

h. Business License Inspector Approval Yes \_\_\_\_\_ No \_\_\_\_\_

If No what are the reasons:

\_\_\_\_\_  
\_\_\_\_\_