

Subdivision 1 - Interpretation - General

- 4.1.1. 1. In this Division, unless the context otherwise requires, the following definitions apply:

"Business" means the carrying on of a commercial or industrial undertaking of any kind or nature of the providing of professional, personal, or other services for the purpose of receiving income or revenue, but does not include an activity carried on by a municipal, provincial, or federal government

"Carry on Business" means, without restricting the generality of the term, any person who advertises themselves by newspaper; publicly or otherwise, as open for business of any kind, or who deals in, or buys, sells, barter or displays or offers by advertisement or otherwise, to buy, sell or barter commodities or other things of any kind, either on behalf of themselves or on behalf of any other person or who advertises themselves as open to render professional or other services to any other person

"Floor Space" means that area within a building that is used for display purposes, or to service customers, and shall include any ground area actually used for the display or goods or other wares, but shall not include those areas set aside exclusively for the storage of supplies or for the use of the employees of the business

"Ground Area" means the ground area outside a building used for display purposes, or to service customers

"Licence Inspector" means the person appointed as Licence Inspector by Council to administer and enforce the provisions of this bylaw

"People Regularly Engaged" means the persons who are engaged in or connected with the operation of any business, trade, occupation, or calling within the District, and shall include employers as well as employees

"Premises" means a store, office, warehouse, factory building, house, enclosure yard or other place occupied, or capable of being occupied by any person for the purpose of any business, trade or occupation and shall also mean any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is being carried on

Subdivision 2 - Interpretation - Categories

- 4.1.2. 1. "Commercial Business" means a business carried on, in or from premises within the District that is not a dwelling
- "Home Business Address" means the use of a dwelling as a business address to allow the overseeing only of any trade, profession, business or other occupation carried on for remuneration or profit
- "Home Occupation" means trade, business, profession or other occupation carried on for remuneration or profit in a dwelling or a building accessory to a dwelling
- "Non-Resident Business" means a business, other than a Resident business carried on within the District, or with respect to which any work or service is performed within the District
- "Resident Business" means a business carried on, in or from premises within the District

Subdivision 3 - Interpretation - Classifications

- 4.1.3. 1. "Agent" means a person who sells or offers for sale, solicits business, or takes orders on behalf of any person not doing business within the municipality
- "Amusement Arcade" means any premises into which the public is invited, whether an admission charge or otherwise, for the purposes of using amusement machines, but does not include a pool or billiard hall or any other premises containing not more than SIX (6) amusement machines
- "Amusement Establishment" means any building, hall or park used in and for the entertainment of the public, and which is not specifically defined herein
- "Amusement Machine" means a game apparatus or amusement device, the use of which is obtained upon payment of a sum of money, and includes an apparatus or sound equipment designed to amuse or entertain people but does not include pool or billiard tables situated within a licensed pool or billiard hall

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Apartment Buildings and/or House Rentals" means any building, buildings or portion of any building containing more than TWO (2) rental units (not being lodging houses, hotels or motels as defined herein) designed, used or occupied as independent dwelling units, provided that the sharing of utilities, or storage facilities shall not be deemed to affect the independence of dwelling units. Rental units shall include but are not limited to houses, manufactured homes, row houses or condominiums
- "Auctioneer" means any person selling property by auction
- "Automobile Storage" means the provision for the storage of vehicles
- "Automobile Towing" means the operation of vehicles equipped for hoisting and/or towing of other vehicles, trailers, machinery or other equipment. This shall not include automobile towing operated in connection with an automotive business
- "Automobile Wreckers" means the provision of wrecking, salvage, storage or the sale of inoperable vehicles, trailers, farm equipment or parts of any of them. Such business may include the repair of any of them but specifically excludes the sale of new automotive parts and accessories. Scrap and salvage yards shall be included
- "Banking Machines" means the business of banking from banking machines not adjacent to or incorporated into the premises of a financial institution or bank
- "Banks" means any business concern which receives, lends and otherwise takes care of money and is governed by the Bank Act
- "Barber Shop" or "Beauty Parlour" means any premises where barbering, hairdressing, cleansing or beautifying of the scalp, manicuring, or massaging is carried on
- "Boat Rental or Charter" means the leasing or hiring of boats
- "Bowling Alleys" means any building where bowling games may be played
- "Cab Premises" means any building or place other than a public stand, from which any taxi or limousine is operated or in which orders for hire are received or dispatched

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Campgrounds" means campsites, or other areas, available to the general public for use as camping areas, or as parking facilities for recreational vehicles, caravans, or trailers containing accommodation facilities, but does not include trailer and manufactured home parks
- "Cannabis Retail" means the barter or sale of Cannabis, or any products containing or derived from Cannabis
- "Carnivals" means any business, offering for the use of the public, any amusement rides or games of skill or chance; excluding booths or concessions operated by and for the sole benefit of recognized charities
- "Catering Service" means the provision of food services to commercial and industrial undertakings, or the provision of food services to weddings, banquets, and other social functions
- "Circus" means any exhibit, exhibition or show where animals are made to perform and also includes a menagerie of hippodrome, where admission is charged but shall not include a carnival
- "City Centre Mall Exhibitors" means a business operating on a temporary basis in the City Centre Mall, with the approval of Mall Administration, that does not hold a current, valid District business licence
- "Contractor" means a person who undertakes to execute a work of construction, either on their own behalf or by agreement with others:
- a. General Contractor
- means a contractor who employs or oversees more than two distinct classes of subcontractors, as defined below, at any one time or whose business includes more than one distinct class of subcontractors:
- b. Subcontractor - Tradesperson
- (1) brick, concrete, stone or masonry
 - (2) building, carpentry, cabinet-making, framing, siding, forming
 - (3) demolition
 - (4) drywall, gyproc, plaster, stucco
 - (5) electrical
 - (6) flooring and carpeting
 - (7) glazing, installation of windows and doors

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. b. Subcontractor – Tradesperson (continued)
(8) heating, air conditioning, refrigeration and sheet metal
(9) insulating, roofing
(10) installation of mechanical equipment
(11) landscaping, excavating, earth moving
(12) ornamental metal work
(13) painting and decorating
(14) plumbing
(15) paving
(16) equipment or machine operation
(17) structural metal fabricating and installing
(18) welding

"Dance Halls" means any building, room or place for hire or profit where public or private dances are held or permitted other than those located in cabarets

"Day Cares and/or Pre-schools" means the provision of child minding, day care or pre-school services

"Delivery and Freight Service" means the transportation of merchandise or other articles. This category shall include delivery, express, freight, moving, transfer, transportation service or company, and includes independent truckers, but shall not include a Taxi, Limousine, Ride Sharing Vehicle, or Lease/Rental Auto business

"Door-to-Door and/or Direct Sales" means the carrying on of 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 the public, either on highways or in any other public place, in private residences, place of business or other premises within the municipality

"Escort" means a contractor working for an escort agency who, for a fee, provides companionship for and by individuals for profit or personal gain, escorts or accompanies another person on an intermittent or temporary basis for a social occasion or function but does not mean a person providing assistance to another person because of that other person's age or handicap

"Escort Agency" means an escort service business or agency run by a licensee that charges or receives a fee for providing an escort for social occasions, on an intermittent or temporary basis, and that takes calls or appointments from customers wishing the services of an escort, and that may advertise the availability of escorts in the newspaper, on the internet and elsewhere

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Escort, Sole Proprietor" means an individual who acts as both agent and escort who, for a fee, provides companionship for individuals for profit or personal gain, escorts or accompanies another person on an intermittent or temporary basis for a social occasion or function but does not mean a person providing assistance to another person because of that other person's age or handicap
- "Exhibition" means the sale, display or showing to the public of goods, wares or other merchandise, and also includes dog, pony or horse shows, on a temporary basis only, on premises temporarily rented, leased or otherwise obtained for these purposes, and to which the public is generally invited regardless of whether or not an admission fee is charged to the public
- "Farmer's Market" means a society whose organization and operations are sanctioned by the District, to operate in a designated area
- "Financial Institutions" means any business which receives, lends and otherwise takes care of money and is not governed by the Bank Act, and shall include trust companies, credit unions, mortgage broker or other financial institutions
- "Fuel Sales - Bulk" means the storage, sale, distribution or delivery of bulk quantities of gasoline, diesel, propane, stove oil, and associated products and shall also include the operation of key-lock facilities
- "General Business Services" means the provision of miscellaneous services and minor sales of merchandise or equipment parts. Without limiting the generality of the foregoing, may include the following, but excludes anything else defined herein:
- a. carpet laying/cleaning
 - b. clothing repairs and alterations
 - c. credit reporting
 - d. coffee service
 - e. computer service
 - f. furnace repair
 - g. home and garden service
 - h. janitor service
 - i. kennels
 - j. mechanical repairs (other than automotive)
 - k. office machine repair
 - l. pest control
 - m. refrigeration service

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "General Business Services" (continued)
- n. sharpening
 - o. sign painting
 - p. telephone answering service
 - q. upholstery

"Health/Fitness Centre" means the business of providing services or premises for the purpose of promoting health and fitness, and shall include tanning studios, spas, gyms and aerobic fitness centres when they are a part of a health/fitness centre

"Home Craft" means goods or products manufactured or created by individuals in their home pursuant to the Home Occupation provisions of the District. This licence will also include the sale of these goods by the individual who has created them

"Hotels - Motels" means any building(s) other than apartments or lodging houses comprising THREE (3) or more sleeping or rental units intended or designed to be temporarily occupied by tourists or transients

"Laundromat" means coin or operator operated laundry or dry cleaning service having a machine or series of machines with an individual capacity not in excess of EIGHTEEN (18) kilograms (40 lbs.), but shall not include a laundry or dry-cleaning establishment

"Laundry or Dry-Cleaning" means any building or part thereof where the pressing, cleaning, dyeing or washing of clothing or other fabrics is carried on, and includes any premises where the business of linen supply is carried on, but does not include the operation of a laundromat as described above

"Laundry and Dry-Cleaning Call Office" means a place of business where laundry and dry-cleaning are processed to a laundry located elsewhere

"Lease or Rental Agency" means a person, who, acting for themselves, or on behalf of another, rents, leases or otherwise lets, any goods, wares, merchandise, or equipment of any kind

"Lease/Rental Auto: means any person, who acting for themselves, or on behalf of another, rents, leases or otherwise lets, any automobile, truck or other vehicle for any term

"Limousine" means a Passenger Directed Vehicle

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Liquor Outlet" means an establishment primarily in the hospitality, entertainment, or beverage service business which holds a liquor-primary license issued under the *BC Liquor Control and Licencing Act*, including, but not limited to, bar, pub, cabaret or licensee retail store
- "Lodging Houses" means boarding and rooming houses and any building or part thereof whether completely or partially furnished, used or designed for the purpose of accommodating for consideration boarders or lodgers, but does not include apartment houses, hotels and motels nor the accommodating of not more than TWO (2) boarders or lodgers
- "Mail Order Business" means a business where orders are taken by any person on their own behalf or as an agent for another, for the sale of goods, wares or merchandise to be supplied from goods, wares or merchandise kept in stock by a person outside the District
- "Manufacturer" means a person who carries on, maintains, owns or operates a business, of assembling, manufacturing, producing or finishing goods, substances or things or any part thereof and shall include without limiting the foregoing a manufacturer of forest products such as sawmills and pulp mills
- "Mobile Vendors, Mobile Restaurants and Mobile Stores" means a person who uses a vehicle to go from place to place or uses a vehicle as a stationary, or moveable, place of business, and, without limiting the foregoing, shall include Christmas tree sales or the sale of tools
- "Nurseries" means a person engaged in the business of growing, rearing, producing or harvesting for sale plants, shrubs or other garden supplies, and may include the sale of related garden tools, accessories or supplies
- "Office or Commercial Space Rental" means the rental of offices, suites, rooms or space for business purposes in any building or buildings
- "Passenger Directed Vehicle" means taxis, limousines and vehicles operated under a license held by a transportation network service provider under the *Passenger Transportation Act* and amendments thereto

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. “Passenger Transportation Network Authorization” has the same meaning as in the *Passenger Transportation Act* and amendments thereto
- “Passenger Transportation Network Operator” has the same meaning as in the *Passenger Transportation Act* and amendments thereto
- "Pool and Billiard Halls" means a place where pool or billiards may be played and where a fee is charged for such play
- "Printers and/or Publishers" means a person who is in the business of printing and/or publishing books, newspapers, magazines, or other printed material
- "Private Garbage Collection and Sanitary Services" means a business providing for the collection and removal of garbage, septic tank effluent, or other waste
- "Professional Services" means any person practising, following, engaging or carrying on the following professions, callings or occupations as a business for a fee. Without limiting the generality of the foregoing, may include the following, but excludes anything else defined herein:
- a. accountant
 - b. agrologist
 - c. appraiser
 - d. architect
 - e. bailiff
 - f. bookkeeper
 - g. chiropractor
 - h. collection agency
 - i. commercial or residential artist
 - j. consultant
 - k. custom broker
 - l. dental surgeon
 - m. dental technician
 - n. dentist
 - o. designer
 - p. draftsperson
 - q. engineer
 - r. forester
 - s. forestry consultant
 - t. health care specialist
 - u. income tax preparer
 - v. instructor

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. “Professional Services” (continued)
- w. insurance agent or salesman
 - x. investment agent
 - y. laboratory technician
 - z. land surveyor
 - aa. lawyer
 - bb. locksmith
 - cc. massage practitioner
 - dd. medical specialist
 - ee. natural gas technician
 - ff. naturopathic physician
 - gg. notary public
 - hh. ophthalmologist
 - ii. optician
 - jj. optometrist
 - kk. osteopath
 - ll. outfitter/guide
 - mm. photographer
 - nn. physician or surgeon
 - oo. physiotherapist
 - pp. practical nurse
 - qq. promoter
 - rr. psychiatrist
 - ss. psychologist
 - tt. public relations agent
 - uu. real estate agent or salesman
 - vv. registered nurse
 - ww. travel agency or travel agent
 - xx. undertaker
 - yy. veterinarian

"Public Utility Company" means a person operating a company formed or chartered to render services to the public and regulated by a government commission, and, without limiting the foregoing, shall include a bus line, a chartered bus firm, a company supplying cablevision services, an electric company, a gas company, or a telephone company

"Radio or T.V. Broadcasting" means a place of business where the broadcasting of radio or the transmission of television takes place but shall not include a person licensed under public utility company

"Religious or Charitable Business" means any business, operated solely by a bona fide religious or charitable organization recognized as such by the provincial or federal government, which would otherwise fall within the definition herein contained for door-to-door and/or direct sales, or retail

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Restaurant, Cafe, Snack Bar" means any business where prepared food and/or beverages are sold to the public, for consumption on or off the premises, and will include a cafe, cafeteria, snack bar, sandwich shop, soda fountain, coffee bar, quick food, drive-in cafe and restaurant but shall not include a food-primary business with a lounge endorsement or a liquor-primary business licensed under the *Liquor Control and Licensing Act*
- "Restaurant (Licensed)" means a food-primary business with a lounge endorsement under the *Liquor Control and Licensing Act*
- "Retail" means the sale at retail of goods or commodities and, without limiting the foregoing, shall include the following:
- a. Automobile Dealers and/or Automotive Service means automobile repairs, sales of new and used cars, trucks, campers, recreational vehicles, tourist trailers, parts or other automobile supplies of any kind, and, without limiting the foregoing, shall include service stations, self-serve gas bars, car wash and polish, tire shop, body shop, muffler shop, and towing services when done in conjunction with a service station;
 - b. Equipment Dealers means the retail sales and service of any and all types of heavy equipment, and, without limiting the foregoing, shall include bulldozers, trenchers, backhoes, draglines, clamshells, power graders, irrigation equipment, farm equipment, skidders, loaders, mill and other industrial equipment;
 - c. Food Store means all businesses engaged in the sale at retail of groceries, meat, meat products, canned goods, vegetables, and items incidental to the business, and, without limiting the foregoing, shall include mini-stores, grocery stores, convenience stores, bakeries and supermarkets;

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. d. Merchants means all other categories of retail sales not specifically mentioned above and the incidental repair of those items sold, and, without limiting the foregoing, shall include:
- (1) antique sales
 - (2) appliance sales and/or repairs
 - (3) art galleries
 - (4) arts and crafts
 - (5) auction houses
 - (6) book shops
 - (7) building supplies
 - (8) carpets
 - (9) ceramics
 - (10) clothing
 - (11) department stores
 - (12) drug stores
 - (13) electrical supply stores
 - (14) electronic sales and/or repairs
 - (15) fabrics
 - (16) feed and grain
 - (17) florist
 - (18) furniture and appliance
 - (19) gift shops
 - (20) hardware stores
 - (21) jewellery stores
 - (22) leather goods
 - (23) marine and industrial parts
 - (24) music stores
 - (25) office equipment and stationery
 - (26) pawnbroker
 - (27) pet and pet supplies
 - (28) photographic supplies
 - (29) plumbing supplies
 - (30) radio and T.V. sales and/or repairs
 - (31) second hand stores
 - (32) shores and/or shoe repairs
 - (33) sporting goods

“Ride Sharing Vehicle” means a Passenger Directed Vehicle

"Security and Patrol Service" means every person carrying on the business of watching, guarding, or patrolling for the protection of persons or property

"Stables" means the business of rearing, keeping, housing, feeding, training, or caring of horses which are not owned by the person conducting the business

Subdivision 3 - Interpretation – Classifications (Continued)

- 4.1.3 1. "Tanning Studio" means a place where a person has installed equipment to facilitate the tanning of people
- "Taxi" means a Passenger Directed Vehicle
- "Theatres, Amusement Halls and Drive-In Theatres" means any place which is used for the showing of theatrical, operatic, variety, television, or cinematic performance or shows of for similar purposes
- "Trailer and Manufactured Home Parks" means land used for the parking of manufactured homes or trailers if intended for use as residences on a permanent or semi-permanent basis, but does not include campgrounds
- "Transportation Network Services Authorization" has the same meaning as in the *Passenger Transportation Act* and amendments thereto
- "Unclassified" means any business not elsewhere defined in this bylaw:
- a. Service Industry - providing of professional, personal or other services;
 - b. Retail Industry - carrying on of a commercial or industrial undertaking;
- "Vending Machines" means any device intended or designed to dispense goods following insertion of money or tokens, but shall not include machines licensed under a laundromat or as amusement machines
- "Warehousing" means the operation of a warehouse or storage facilities building for the purpose of storing goods or wares or the rental of space to others for similar purposes
- "Wholesale" means the sale of goods, wares, or other merchandise to retail dealers or other wholesale dealers or to contractors or manufacturers, for resale or for incorporation into other products, and may allow the incidental sale at retail of the goods.

Subdivision 4 - General Regulations

4.1.4. 1. Licence Required

No person shall carry on business within the District without first having obtained a valid District of Kitimat business licence, provided that this provision shall not apply to any business exempted from the requirement to hold a business licence by provincial or federal statute or regulation or pursuant to the exemptions listed in this division.

2. Exemptions

- a. A business licence is not required for a performance, concert, exhibition or entertainment where the entire proceeds of which above actual expenses, are devoted to a charitable purpose.
- b. A business licence is not required for a performance, concert, exhibition, entertainment or concession which is held in a licensed theatre or other licensed place.

3. Exemptions (Non-Resident Businesses)

- a. Commercial travellers offering for sale or selling merchandise to merchants for resale by them in the ordinary course of their business.
- b. Owners or operators of carriers other than Passenger Directed Vehicles who either pick up passengers or chattels in the municipality for discharging or delivery outside the municipality or discharge or delivery in the municipality of passengers or chattels picked up outside the municipality, or both, unless the municipality forms part of a trading area designated for carriers under the Local Government Act.
- c. Owners or operators of retail businesses who only discharge passengers in the municipality unless the municipality forms part of a trading area designated for Passenger Directed Vehicles under the Local Government Act.
- d. 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.

Subdivision 4 - General Regulations (Continued)

- 4.1.4. 3. Exemptions (Non-Resident Business) (continued)
- e. A wholesaler or manufacturer or processor who is only in the business of offering for sale or selling their own merchandise and delivering it in their own vehicle to merchants for resale by the merchants in the ordinary course of the business.
 - f. A person practising a profession governed by a special Act unless they regularly and generally carry on business in the municipality.
4. Application and Fees
- a. Every person applying for a business licence shall complete the form supplied by the District for such purpose, and shall tender the applicable licence fee(s) set forth in Schedules "A", "B", "C" of this Division, and forming part of the bylaw, with the application.
 - b. No proportionate reduction or rebate of the business licence fee(s) shall be made on account of a person commencing to do business after January 1 or ceasing to do business before December 31 in any year, except that the business licence fee(s) shall be reduced by one half for a person who becomes liable for a yearly licence after July 31 in any year.
5. Fees for Multiple Classifications
- a. If a single business entity in one location or premise falls under more than one classification within any one group in Schedule "B", the square metres (feet) of all such classifications within the group shall be added together as a whole for fee calculation purposes.
 - b. If a single business entity falls under more than one classification within Schedule "A", the number of people regularly engaged in all such classifications shall be considered as a whole for fee calculation purposes.

Subdivision 4 - General Regulations (Continued)

4.1.4. 6. Issuance

No business licence shall be issued until the Licence Inspector has approved the granting of the licence.

7. Licence Period

a. Except as hereinafter provided, business licences shall be granted for a one year period, to commence on the first day of January and to terminate on the thirty-first day of December in each and every year.

b. The period for a business licence in respect of a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park, or other such place of amusement or exhibition shall be for such length of time as stated upon the licence, and may be for ONE (1) year, SIX (6) months, THREE (3) months, ONE (1) month, ONE (1) week, or ONE (1) day.

c. The period for a business licence with respect to a carnival, circus, horse show, dog show, or pony show, exhibition, elsewhere than in a licensed theatre or licensed place shall be for ONE (1) day.

8. Security for Non-Resident Business

a. A person applying for a business licence to carry on a non-resident business shall be required by the Licence Inspector to give security to the District in the sum of ONE THOUSAND DOLLARS (\$1,000.00), the return of which shall be conditional upon such person carrying on the non-resident business within the District without deceit, misrepresentation, or fraud. The Licence Inspector may waive this requirement in certain circumstances.

b. Security shall be in the form of cash, certified cheque, bond guarantee by a licensed bonding company or a letter of credit from a bank.

Subdivision 4 - General Regulations (Continued)

- 4.1.4. 8. Security for Non-Resident Business (continued)
- c. Security shall be given for the period from the date the business licence is issued until whichever is the earlier.
- (1) six months after the licensee ceases to hold the licence to carry on a non-resident business;
 - (2) the date on which the licensee is issued a licence by the District to carry on the business as a resident business; or
 - (3) three consecutive years have lapsed during which no order has been made respecting notice of a civil action in a court based on deceit, misrepresentation or fraud on the part of the licensee arising out of the carrying on in the District of the business for which the security is held.
9. Classification of Businesses
- Business in the District shall be classified by the Licence Inspector in accordance with Schedules "A", "B", and "C" of this Division. In addition, each business shall be categorized into "Resident Business" or "Non-Resident Business" categories. Furthermore, "Resident Business" shall be further categorized into "Commercial Business", "Home Business Address", "Home Occupation" or "Bed and Breakfast" categories.
10. Separate Licence
- a. Where a business is carried on, in, or from more than one premise(s) in the District the business carried on, in, or from each premise(s) shall be deemed to be a separate business and shall require a separate business licence.
 - b. Where there is more than one separate and distinct business classification located within the same premise(s), each business classification shall have a separate business licence.
 - c. Where the business is an Escort Agency, in addition to the Agency License fee, a separate Escort License fee shall be required for each individual escort.

Subdivision 4 - General Regulations (Continued)

- 4.1.4. 11. Change of Location, Name or Ownership
- a. Every business licence granted shall be deemed to be a personal licence to the licensee named, and in the event of a change of operator, the new operator shall apply for a new business licence.
 - b. No business licence shall be transferred from one person in respect of certain premises to that same person in respect of other premises, without application being made pursuant to 4.1.4.4. and the subsequent approval of that application.
12. Display Licence
- Business licences shall at all times be prominently displayed in a conspicuous place on the premises or on the thing, article or person in respect of which the licence is issued, or a place designated by the Licence Inspector.
13. Notification of Business Changes
- a. Every licensee shall notify the Licence Inspector in writing of any change in the mailing and/or the business address, the business practice, the floor area of the premise(s); the number of people, rental units, machines, vehicles, or other fee base, used in the operation of the business; or any major alteration to the premise(s) in which the business is carried out. The Licence Inspector may require the licensee to make an application to amend the nature, character, kind, description or extent of the business and to take out and pay for such other, further or additional business licences as shall be applicable or required under the provisions of this Division.
 - b. Licensees shall notify the Licence Inspector of the termination of the business.
 - c. Businesses that do not renew their business licence shall be deemed to be inactive.

Subdivision 4 - General Regulations (Continued)

4.1.4. 14. Granting and Suspension

The Licence Inspector shall grant a business licence when satisfied that the applicant therefore has complied with the requirements of the bylaws of the municipality regulating building, zoning, health, sanitation, and business, and may suspend for such period as he may determine any business licence if the holder of the licence:

- a. is convicted of an offense indictable in Canada;
- b. is convicted of any offence under any municipal bylaw or statute of the province in respect of the business for which he is licensed or with respect to the premises named in this licence;
- c. has, in the opinion of the Licence Inspector, been guilty of such gross misconduct in respect to the premises named in his licence as to warrant the suspension of this licence;
- d. has ceased to meet the lawful requirements to carry on the business for which he is licensed or with respect to the premises named in his licence;
- e. has, in the opinion of the Licence Inspector, conducted business in a manner, performed a service in a manner, or sold, offered for sale, displayed for sale or distributed to a person actually or apparently under the age of 16 years anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of 16 years.

15. Suspension

The suspension of a business licence by the Licence Inspector shall be made by notice in writing signed by the Licence Inspector and served on the licensee or delivered to the licensee by registered mail to the address given on the business application. A notice of such suspension of licence may be posted by the Licence Inspector upon the premises for which the licence was issued notice shall not be removed until the licence is reinstated, the former licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is started in the premises.

Subdivision 4 - General Regulations (Continued)

4.1.4. 16. Appeal

Any person whose business licence has been suspended or whose business licence application has been refused may appeal to the Council, and upon appeal the Council may confirm or may set aside such suspension or refusal on such terms as it may deem fit.

17. Revoke

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

b. The notice and opportunity to be heard referred to in 4.1.4.17.a. above, is not required in respect of the licensee who by reasonable efforts cannot be found.

18. Granting or Refusing Referred

The Licence Inspector may refer the decision of granting or refusing to grant a licence to Council, who, for that purpose, may conduct a hearing.

19. Compliance with Other Enactments

The issuance of a business licence shall not be deemed to be a representation by the municipality to the licensee that the business complies with any or all applicable bylaws or enactments. The business owner remains responsible to ensure compliance with all bylaws and enactments.

Subdivision 5 - Regulations of Business

- 4.1.5. 1. Carnival/Circus - Insurance and Safety Standards
- a. A person applying for a business licence to hold a carnival or circus on public property will be required by the Licence Inspector to obtain and maintain comprehensive general liability insurance in the amount of TWO MILLION DOLLARS (\$2,000,000.00). The District shall be included as an additional insured. The licensees shall save the District harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of the carnival or circus. The licensees' insurer must recognize the existence of the save harmless clause.
 - b. Proof that all machines, rides and equipment to be used by the public at the carnival or circus have a current, valid inspection certificate from the Provincial Authority having jurisdiction, may be required by the Licence Inspector before a licence is issued.
 - c. Any person applying for a licence on public property shall deposit with the District security in the form of cash, certified cheque, bond guarantee by a licensed bonding company, or a letter of credit from a bank, which shall be held by the District as security towards reimbursement of any expenses incurred to carry out clean-up operations or repair damage caused by the operation of the carnival or circus. The security shall be returned to the applicant upon the District being satisfied that the applicant has carried out the necessary clean-up operations or repairs.
2. Cannabis Retail
- a. That documentation be provided showing adherence to Provincial Standards as outlined in the Cannabis Control and Licensing Act, Cannabis Distribution Act and any related regulations, pertaining to security requirements, employee training and education, and background checks.
 - b. Business must only be permitted to be open for business from 9:00 a.m. to 11:00 p.m.

Subdivision 5 - Regulations of Business

4.1.5. 3. Catering Service

Applicants under this classification must provide proof that they hold a valid permit to operate a food service establishment from the Provincial Authority having jurisdiction before a business licence will be issued.

4. City Centre Mall Exhibitors

Businesses that hold a current, valid District business licence will be able to set up in City Centre Mall, on a temporary basis only, without having to obtain additional business licences as long as the business is licensed under the classification they are exhibiting in the mall.

5. Contractor

a. No person shall, without supplying to the Licence Inspector trade certification according to the Apprenticeship Act, R.S.B.C. 1979, C. 17, carry on the business of a contractor in the following designated trades:

- (1) plumbing, pipe fitting
- (2) roofing, sheetmetal
- (3) steam fitting
- (4) sprinkler fitting
- (5) dampproofing and waterproofing

b. Every person licensed as a contractor, shall on the request of the Licence Inspector, provide a list of all tradesmen engaged on a specific project as well as proof of mandatory trade certification for the trades listed above.

6. Dance Halls

No person shall be licensed to carry on the business of a dance hall unless the premises intended for that use have first been approved and inspected by the Fire Commissioner's Office.

7. Day Care and/or Preschools

Applicants under this classification must provide proof of licencing by the Provincial Authority having jurisdiction before a business licence will be issued.

Subdivision 5 – Regulations of Business (Continued)

4.1.5

8. Door-to-Door and/or Direct Sales

- a. No person in the municipality shall call at any residence between the hours of 9:00 P.M. and 9:00 A.M. for the purpose of selling, soliciting, or taking orders, unless a previous appointment has been made for such a call.
- b. Any door-to-door or direct sales person shall, when conducting or attempting to conduct business:
 - (1) state to any person with whom he is conducting or attempting to conduct business the name of the business or other organizations with whom he is associated, affiliated or representing;
 - (2) state to any person with whom he is conducting or attempting to conduct business his full legal name, consisting of all personal names and his surname;
 - (3) display to any person with whom he is conducting or attempting to conduct business a copy of the business licence issued hereunder.

9. Escort

Every person or individual working as an Escort shall:

- a. be 19 years of age or older;
- b. maintain to the satisfaction of the License Inspector and the Officer in Charge of the RCMP a written record of every request to provide or furnish an escort or partner, giving the name and address of the individual requesting the service together with the function to be attended;
- c. operate in a safe and health conscious manner; and
- d. not provide escort services between the hours of 4 a.m. and 5 p.m.

10. Escort Agency

Every person or individual carrying on the business of or operating an Escort Agency shall:

- a. maintain a registry with the name, age, address; proof of name and age; and a description of every individual employed or engaged in the said business;

Subdivision 5 – Regulations of Business (Continued)

- 4.1.5 10. Escort Agency (continued)
- b. maintain to the satisfaction of the License Inspector and the Officer in Charge of the RCMP a written record of every request to provide or furnish an escort or partner, giving the name and address of the individual requesting the service together with the name of the escort or partner recommended and the function to be attended;
 - c. not employ any person in the said business unless such a person is 19 years of age or older;
 - d. submit to a criminal record check; and
 - e. not provide escort services between the hours of 4 a.m. and 5 pm.
11. Farmers' Market
- The District will not require local businesses to obtain a business licence provided they only sell at the Farmers' Market. They will, however, require a business licence, in the applicable classification if they conduct their business outside the Farmers' Market.
12. Home Business Address
- Every person carrying on a business as a home business address shall ensure that any aspect of the business carried on in, at, or from a residential premises complies with the regulations respecting Home Business Addresses specified in the District of Kitimat zoning bylaw and amendments thereto in effect from time to time.
13. Home Occupation
- Every person carrying on a business as a Home Occupation shall ensure that any aspect of the business carried on in, at, or from a residential premises complies with the regulations respecting Home Occupations specified in the District of Kitimat zoning bylaw and amendments thereto in effect from time to time.
14. Hotels, Motels and Lodging Houses
- No person shall be licensed for a hotel, motel, or lodging house unless the premises have first been approved by the Medical Health Officer, the Building Inspector and the Fire Chief.

Subdivision 5 - Regulations of Business (Continued)

- 4.1.5. 15. Mobile Vendors, Mobile Restaurants and Mobile Stores
- a. All mobile vendors, mobile restaurants and mobile stores shall be in possession of a valid permit to operate a food services establishment by the Provincial Authority having jurisdiction if they are preparing food.
 - b. Mobile vendors, mobile restaurants and mobile stores may not set up on municipal roads, boulevards, or parking lots for the display and sale of goods except in an area designated by the District for such purposes.
16. Professional Services
- Visiting health care professionals will not be required to hold a District business licence if they hold a current, valid business licence from another municipality.
17. Restaurants, Cafes, Snack Bars
- Applicants under this classification must provide proof that they hold a valid permit to operate a food services establishment from the Provincial Authority having jurisdiction before a business licence will be issued.
18. Security and Patrol Service
- All applications for security and patrol service shall be forwarded to the Royal Canadian Mounted Police prior to issuance of a business licence.
19. Passenger Directed Vehicles
- a. Ride Sharing Vehicle
 - i. Every person who carries on a ride sharing business must operate under a Transportation Network Services Operator.
 - ii. Every Transportation Network Services Operator operating in Kitimat must carry a municipal business licence.
 - iii. Municipal business licences for Transportation Network Services Operators shall only be valid during the period that they possess a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.
 - iv. A municipal business licence will only be issued to a Transportation Network Services Operator upon proof to the Licence Inspector of valid Transportation Network Services Authorization.

Subdivision 5 - Regulations of Business

4.1.5. 19. Passenger Directed Vehicles (continued)

b. Taxi and Limousine

- i. Every person who carries on a taxi business or limousine business must carry a separate current business licence for each vehicle.
- ii. Municipal business licences for individual Taxi and Limousines shall only be valid during the period that they possess a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.
- iii. A municipal business licence for an individual Taxi or Limousine will only be issued on proof to the Licence Inspector of a valid Provincial Passenger Transportation Licence from the British Columbia Passenger Transportation Branch.

20. Vending and Amusement Machines

No person shall own, keep or maintain any vending or amusement machines unless there has been imprinted thereon, the name, address and telephone number of ONE (1) or more of the following:

- a. the owner, if resident in the District;
- b. an agent of the owner, resident in the District;

provided that this provision shall not apply to vending machines operated exclusively upon premises in respect of which the owner holds a valid "Retail" business licence for sale of goods of the type vended by the machines.

Subdivision 6 - Commercial Vehicle Licencing

- 4.1.6.
1. The District hereby declares that Part XI, Division 2, of the Local Government Act applies and is in force in the municipality.
 2. No "commercial vehicle", as defined in the Commercial Transport Act, shall be operated on any highway in the District unless a valid licence plate/decal has been obtained from the Licence Inspector.
 3. Every person applying for a licence plate/decal, shall complete the form supplied by the District for such purposes, and shall tender the licence fee as set out by provincial regulation with such application.

Subdivision 6 - Commercial Vehicle Licencing (Continued)

- 4.1.6.
4. Where the applicant for a licence is an agent or co-owner, the owner or owners shall be deemed to have authorized all statements set forth in the application and shall be deemed to have made such statements.
 5. Upon receipt of the complete applications for a licence plate/decal and the prescribed fee, and on being satisfied that all applicable federal, provincial and municipal regulations have been complied with, the Licence Inspector shall issue a numbered licence plate/decal and shall endorse on the registration card:
 - a. licence plate/decal number
 - b. date of issue; and
 - c. fee paid.
 6. The licence plate shall at all times be affixed on the upper centre on the inside of the front windshield or other place approved by the Licence Inspector.
 7. Where a person ceases to be the owner of a vehicle licensed and authorized to carry a licence plate/decal therefore, it is deemed to be cancelled and the new owner shall make application to the Licence Inspector for the transfer of the licence plate/decal in accordance with the provisions of this Division.
 8. Notwithstanding any other provisions, the purchase of a vehicle by a dealer in vehicles for sale, shall not require the licence plate/decal to be cancelled or transferred until the dealer sells the vehicle to a person other than another such dealer for resale, provided, however, that the vehicle shall not, prior to its resale, be operated on any highway in the District unless it displays a plate/decal issued to such dealer.
 9. Where a licence plate/decal is lost, stolen or destroyed, or becomes illegible or mutilated, the owner of the vehicle shall apply to the Licence Inspector for a replacement. Upon payment of the applicable fee and upon surrender of such plate/decal, if still in the possession of the owner, the Licence Inspector shall issue a replacement plate/decal and shall endorse the record of its issuance on the registration card for the vehicle in question.

Subdivision 6 - Commercial Vehicle Licencing (Continued)

- 4.1.6. 10. Upon application for a licence for any vehicle operated under an agreement under Section 13 of the Commercial Transportation Act, and payment of the licence fee, a licence plate/decal shall be issued and is valid for display on any of the vehicles operated under the agreement.
11. Upon application by the transferee, and payment of the transfer fee as set out by provincial legislation, a new licence plate/decal may be issued:
- a. from person to person for the same vehicle, or
 - b. from vehicle to vehicle for the same person;
- provided, however, that in addition to the transfer fee, there shall also be paid to the District any sum representing the difference in licence plate/decal fees required for the transfer of a licence plate/decal to a vehicle of greater gross weight.
12. The following vehicles are exempt from the provisions of this Division:
- a. a tractor that is owned by a bona fide farmer and used for towing a trailer to market or for towing any implement of husbandry used by or on behalf of the farmer;
 - b. a commercial vehicle owned or leased exclusively by any municipality, regional district or school district, or by an organization comprised of municipalities, regional districts or school districts;
 - c. for any Government of Canada commercial vehicle;
 - d. for any school bus, or mission bus, or truck being the sole property of a religious organization and used solely for religious or education purposes;
 - e. for any commercial vehicle used exclusively for fire protection purposes;

Subdivision 6 - Commercial Vehicle Licencing (Continued)

- 4.1.6. 12. f. any vehicle licensed as a farm vehicle under the Commercial Transport Act, except when used for the collection or delivery or both, of goods, wares, merchandise, or other commodity not required in the ordinary course of farming;
- g. any vehicle owned and operated by an improvement district;
- h. any motor vehicle owned or used by any person who, through active service in the armed forces in any war, has lost a limb, or is in receipt of one hundred percent (100%) disability pension; provided that the exemption granted by this section does not extend to the concurrent licencing of more than ONE (1) vehicle for the same person;
- i. any vehicle licensed under the Commercial Transport Act owned by a farmer and used only to transport the produce of his farm to market and to transport supplies required for his farm;
- j. any vehicle licensed under the Commercial Transport Act not being used by a person for the purpose of his business, or by an organization for profit;
- k. any vehicle owned by the Crown in the Right-of-the-Province.

SCHEDULE "A" - FEES

Business Classification

Agent
Barber Shop or Beauty Parlour
Boat Rental and Charter
Catering Service
Day Care and/or Preschools
Delivery and Freight Service
Door-to-Door and/or Direct Sales
Financial Institutions
General Business Services
General Contractor
Health/Fitness Centre
Home Craft
Mail Order Business
manufacturer
Nurseries
Printers and/or Publishers
Private Garbage Collection and Sanitary Services
Professional Services
Security and Patrol Service
Stables
Subcontractor (Tradesperson)
Unclassified - Service Industry

Fees Payable

For the above businesses the fee payable shall be based on number of persons regularly engaged in the business:

1 - 3	\$ 75.00
4 - 10	150.00
11 - 20	300.00
21 - 35	600.00
over 35	1,400.00

SCHEDULE "B" - FEES

Business Classification

<p><u>Group A</u></p> <p>Automobile Storage Automotive Wreckers</p>	<p>0 - 1.21 hectares ground area - \$150.00 (0 - 3 acres ground area) Over 1.21 hectares ground area - \$200.00 (over 3 acres ground area)</p>
<p><u>Group B</u></p> <p>Office or Commercial Space Rental</p>	<p>\$8.00 per 92.90 square metres of rented floor space (1000 square feet of floor space) or part thereof Maximum \$600.00 fee</p>
<p><u>Group C</u></p> <p>Laundromat Laundry and Dry Cleaning Laundry and Dry Cleaning Call Office Lease or Rental Agency Pool and billiard Halls Restaurants, Cafes, Snack Bars Retail Tanning Studio Unclassified - Retail Industry Wholesale</p>	<p>0 - 139.35 square metres floor space - \$100.00 (0 - 1500 square feet floor space) 139.36 - 464.50 square metres floor space - \$200.00 (1501 - 5000 square feet floor space) 464.51 - 929.00 square metres floor space - \$300.00 (5001 - 10000 square feet floor space) Over 929.00 square metres floor space - \$500.00 (Over 10000 square feet floor space)</p>
<p><u>Group D</u></p> <p>Warehousing</p>	<p>0 - 464.50 square metres of floor space - \$100.00 (0-5000 square feet of floor space) 464.51 - 929.00 square metres floor space - \$200.00 (5001 - 60000 square feet of floor space) Over 929.00 square metres floor space - \$300.00 (Over 10000 square feet of floor space)</p>

SCHEDULE "C" - FEES

<u>BUSINESS CLASSIFICATION</u>	<u>FEES PAYABLE</u>
Amusement Arcade	\$35.00 per machine
Amusement Establishment	\$75.00 or \$30.00 per day
Amusement Machine	\$30.00 per machine
Apartment Buildings and/or House Rentals	\$5.00 per unit
Auctioneer	Schedule "A" or \$30.00 per day
Automobile Towing	\$30.00 per vehicle
Banking Machines	\$100.00 per machine or group of machines in one location
Banks	\$500.00
Bed & Breakfast	\$75.00 plus \$5.00 per guest room in excess of 3
Bed & Breakfast Inn	\$75.00 plus \$5.00 per guest room
Bowling Alleys	\$35.00 per lane
Cab Premises	Issued with company's first taxi or limousine licence at no charge
Campgrounds	\$3.50 per available space
Cannabis Retail	\$500.00
Carnivals	\$250.00 per day
Circus	\$250.00 per day
City Centre Mall Exhibitors	\$20.00/day, \$50.00/week, \$100.00/month
Dance Halls	\$75.00
Escort Agency	\$2,000.00
Escort, Sole Proprietor	\$2,000.00
Escort	\$250.00
Exhibition	\$75.00 per day
Farmers Market	\$75.00
Fuel Sales - Bulk	\$250.00 + \$50.00 per key pump

SCHEDULE "C" - FEES (Continued)

<u>BUSINESS CLASSIFICATION</u>	<u>FEES PAYABLE</u>
Hotels - Motels	\$5.00 per unit
Lease/Rental Auto	\$5.00 per vehicle
Liquor Outlets	\$500.00 per liquor outlet ("A", "C", "D", "F", "G" liquor licences)
Lodging Houses	\$5.00 per unit
Mobile Vendors, Mobile Restaurants, and Mobile Stores	\$75.00 per vehicle up to 5,000 kg \$100.00 per vehicle ≥ 5,000 kg
Public Utility Company	\$500.00
Radio or T.V. Broadcasting	\$500.00
Religious or Charitable Business	\$30.00
Restaurants (Licensed)	Schedule "B" fee plus \$100.00
Ride Sharing Vehicle	\$500 per annum (unlimited Passenger Transportation Network Operators)
Rural Resort	\$75.00 plus \$5.00 per guest room or cabin
Theatres, Amusement Halls and Drive-In Theatres	50¢ per seat or \$25.00 per day 2 seats = 1 parking space
Taxi and Limousine	\$75.00 per vehicle
Taxi and Limousine - with Class 3 authority (allows deliveries)	\$100.00 per vehicle
Trailer and Manufactured Home Parks	\$5.00 per serviced space
Vending Machines	\$15.00 per machine