

## District of Chilliwack

### Bylaw No. 1484

#### **A bylaw to provide for the granting, issuing and transferring of Business Licences and the fixing, imposition and collection of Business Licence fees**

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The Council of the District of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Business Licence Bylaw 1990, No. 1484".
2. The "Business Licence Bylaw 1985, No. 628" and amendments thereto are hereby repealed.

#### **INTERPRETATION:**

3. In this Bylaw unless the context otherwise requires:

*"Adult Entertainment Facility" means an Adult Entertainment Store, Adult Movie Theatre or Adult Video Store as defined in this Section.*

*"Adult Entertainment Store" means a portion of or the entire premises wherein the business of selling or offering for sale sex paraphernalia or graphic sexual material is carried on, or wherein one or more pornographic film viewers are made available for use by the public. (AB 2143)*

*"Adult Movie Theatre" means a motion picture theatre where adult or restricted designated motion pictures (as defined by the Motion Picture Act and Regulations) are shown.*

*"Adult Video Store" means a video store wherein adult videos (as defined by the Motion Picture Act and Regulations) exclusively are offered for sale or rent or viewing." (AB 1529)*

"business" means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit.

"Council" means the Council of the District of Chilliwack.

"District" means the District of Chilliwack.

"Licence Inspector" means the person from time to time duly appointed by Council to act as Licence Inspector, or his designate, and includes the Bylaw Enforcement Officer.

"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.

"operator" means the owner or proprietor of a business.

"premise" means a store, office, shop, building, home, warehouse, factory, enclosure, yard or other definite area occupied or capable of being occupied by a person for the purpose of a business and includes any area situated within any of the foregoing where a separate class or type of business is carried on, by a separate operator.

**4.** For the purpose of this bylaw, any person who:

- (1) advertises or indicates by any means as being open for business of any kind, or
- (2) deals in, or buys, sells, barter, rents, or displays any commodity or offers by advertisement or otherwise, on behalf of himself or others; to buy, sell, barter or rent any commodity, or
- (3) renders or offers to render professional, personal, contractual, or other service to any person for the purpose of gain or profit, or
- (4) lets for rent more than two residential suites or units in any one complex, or
- (5) engages in repairing, restoration or servicing of automobiles, appliances or other commodities not owned or registered in the name of that person or firm,

within the District shall be deemed to be carrying on a business in the District.

- 5.**
- (1) Except as hereinafter provided, no person shall carry on, within the District, any business unless he holds a valid and subsisting licence for the carrying on of the business issued to him by the District.
  - (2) Each person who holds a valid licence shall renew such licence before the beginning of each licensing period as long as he is carrying on a business in the District

**6. EXEMPTIONS:**

- (1) No licence is required for the business of renting apartment suites where not more than two (2) suites are available for renting.
- (2) No licence is required by a farmer or orchardist with respect to the sale in an unprocessed, natural state of produce grown by him upon his own land or lands which he rents or leases within the District.
- (3) No licence is required with respect to the door-to-door sale of newspapers published in Canada.
- (4) No licence is required with respect to the teaching of music, handicrafts or art as a home occupation where such teaching involves not more than one class of five (5) students at one time.

7. Upon application to the District by a non-profit organization whose revenues are used solely for charitable or benevolent purposes, the District of Chilliwack may waive the licence fee payable.
8. For the purpose of this Bylaw, where a business is carried on in or from more than one premise in the District, the business carried on in or from each premise shall be deemed to be a separate business.
9. Every person applying for a licence to carry on a business for the first time shall make application to the District on the application form from time to time prescribed. The application form shall be signed by the person who is the owner of the business, or by his duly authorized agent. Each application for a licence shall be accompanied by the fee as hereinafter set out and shall be delivered to the District.
10. Any false or misleading information given in order to obtain a licence to do business in the District is an offence against this Bylaw and shall make such licence invalid.
11. A person ceasing to carry on business before June 30 shall be entitled to a refund of one-half the annual fee. No other refunds shall apply.
12.
  - (1) Any person to whom a resident business licence is issued, shall post such licence and keep it posted in a conspicuous place on the premises for which it is issued.
  - (2) Any person to whom a non-resident business licence is issued shall carry the licence with him at all times while carrying on business in the District.
13.
  - (1) The Licence Inspector may grant a licence hereunder where he is satisfied that the applicant therefore has complied with all building, zoning, health, sanitation and business licensing requirements of the District and other agencies.
  - (2) No business licence shall be granted in the case of an automobile dealership until proof that Provincial Licencing requirements under the Motor Dealers Act have been met by the Applicant.
14. The Licence Inspector may suspend any licence for the period he decides, if its holder:
  - (1) is convicted of an offence indictable in Canada;
  - (2) is convicted of an offence under any District Bylaw or Statute in the Province of British Columbia in respect of the business for which he is licensed or with respect to the premises named in his licence;
  - (3) has, to the satisfaction of the Inspector, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in his licence as to warrant the suspension of his licence;
  - (4) 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;

- (5) has failed to renew his licence within SIXTY (60) DAYS of the expiry thereof;
- (6) has, in the opinion of the Licence Inspector:
  - (a) conducted his business in a manner; or
  - (b) performed a service in a manner; or
  - (c) sold, offered for sale, displayed for sale, or distributed to a person actually or apparently under the age of sixteen years anything that may be harmful or dangerous to the health or safety of a person actually or apparently under the age of sixteen years.
- 15.** Any person whose licence has been suspended in accordance with this bylaw may appeal to the Council and upon such appeal the Council may confirm or may set aside such suspension on such terms as it may think fit.
- 16.** Notwithstanding anything contained in the Act or in the Bylaws of the District:
  - (1) The Council may, by a TWO-THIRDS (2/3) vote of all members refuse in any particular case to grant the request of an applicant for a licence, but the granting or renewal of a licence shall not be unreasonably refused;
  - (2) 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;
  - (3) The notice and opportunity referred to in subsection (b) is not required in respect of a licensee who by reasonable efforts cannot be found.
  - (4) Any person who has applied for but failed to be granted a licence may appeal to the Council and on such appeal the provisions of subsection (a) shall apply.
- 17.** Any person who purchases the controlling interest in a business of any other person licensed under this Bylaw and who desires to continue said business shall make application to the Licence Inspector for a transfer of the licence within SIXTY (60) days of the purchase. A licence not transferred in accordance with the provisions of the Bylaw is invalid. The business licence may be transferred upon the approval of the Licence Inspector.
- 18.** No person to whom a licence has been granted under the provisions of this Bylaw shall change the location of the premises in which he carries on business without first applying to the Licence Inspector in writing to have the licence transferred to the new premise and no person shall carry on business at a premise other than those specified in the licence. The business licence may be transferred upon the approval of the Licence Inspector.
- 19.** Any person soliciting for any purpose which requires that he hold a valid licence and who solicits door-to-door or in any manner other than in an established place of business, shall carry a valid business licence on his person.

20. Except as provided for in the District's Highway and Traffic Bylaw in force from time to time, no person shall in any manner, carry on business or solicit for charity, or any other purpose, on any highway within the District.
21. No person shall operate an amusement centre except as permitted under the District's Zoning Bylaw in force from time to time.
22. *No person shall, in any bar, lounge, cabaret or any other premises in which alcoholic beverages are sold or offered for sale, install or operate any video lottery terminal, electronic bingo, or other electronic gaming device, or any device for the viewing of any sports or racing event in connection with wagering conducted on the same premises, on the outcome of the event. (AB 2251)*
23. **ADULT ENTERTAINMENT FACILITY:**
  - (1) *No person shall operate an adult entertainment facility within 1 km of any school.*
  - (2) *No person carrying on the business of an Adult Entertainment Facility shall permit any person to be on the licensed premises at any time unless such person is 18 years of age or over.*
  - (3) *No person carrying on the business of an Adult Entertainment Facility shall exhibit or permit to be exhibited in any window on or about the licensed premises any graphic sexual material or sex paraphernalia. (AB 1529)*
  - (4) *Where a portion of the premises is established and operates as an Adult Entertainment Store:*
    - (a) *the owner shall clearly designate and sign the area as "Adults Only";*
    - (b) *sex paraphernalia and graphic sexual material shall not be displayed in such a manner to be viewed from other locations within or from outside the premises;*
    - (c) *only person 18 years of age or older shall be permitted in the designated "Adults Only" area.*
  - (5) *A person shall not sell or offer for sale sex paraphernalia or graphic sexual material to any person unless such person is 18 years of age or older. (AB 2143)*
24. Each annual renewal business licence imposed by this Bylaw shall be discounted by TEN DOLLARS (\$10.00) if payment is received by the District or postmarked on or before the 15th day of December of the year preceding the commencement of the licence period. Should the 15th day of December fall on other than a normal working day, the next working day shall be the final day of discount.
25. (1) Except as hereinafter provided, annual licenses shall be granted to commence on the 1st day of January and terminate on the 31st day of December in each year;

- (2) Except as provided for below, no licence shall be granted for a period spanning more than one licensing period as herein set out;
- (3) Any person who applies for an annual business licence after the commencement of the licensed period shall pay the license fee prescribed in Schedule "A".
- (4) A seasonal licence may be issued to a person who intends to carry on business temporarily which seasonal licence shall be granted so as to commence on the 1st day of May and terminated on the 31st day of October in the same year or, in the alternative, so as to commence on the 1st day of November and terminate on the 30th day of April in the following year;
- (5) The period for a licence for a theatre, including drive-in theatre, amusement hall, concert hall, music hall, opera house, rink, amusement park or other place of amusement, entertainment, or exhibition may be SIX (6) months, THREE (3) months, ONE (1) month or ONE (1) day;

**“Business Licence Bylaw 1990, No. 1484” adopted on the 26<sup>th</sup> day of November, 1990.**

Amendment Bylaw No. 1529 adopted on the 28<sup>th</sup> day of January, 1991.

Amendment Bylaw No. 2143 adopted on the 19<sup>th</sup> day of September, 1994.

Amendment Bylaw No. 2251 adopted on the 5<sup>th</sup> day of June, 1995.

Amendment Bylaw No. 2645 adopted on the 12<sup>th</sup> day of October, 1999.

Amendment Bylaw No. 3081 adopted on the 21<sup>st</sup> day of February, 2005.

“John Les”

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Mayor

“E.J. Tisdale”

.....  
Clerk

*Schedule "A"*

**BUSINESS LICENCE FEES**

1.	<i>Mobile, non-resident or home occupation</i>	<i>\$ 100.00</i>
2.	<i>Restaurants &amp; Commercial Assembly (bingo, rental halls, private and semi private entertainment clubs)</i>	<i>\$ 100.00 plus \$0.50 per m<sup>2</sup> gross floor area</i>
3.	<i>Night Clubs and Neighbourhood Pubs (including other establishments with a Liquor Primary Licence under the Liquor Control and Licensing Act) (AB #3081)</i>	<i>\$ 1,000.00</i>
4.	<i>Apartment blocks, tourist accommodation and mobile home parks</i>	<i>\$ 100.00 plus \$2.00 per unit</i>
5.	<i>Other Commercial (retail, personal service etc, not described elsewhere)</i>	<i>\$ 100.00 plus \$0.25 per m<sup>2</sup> gross floor area</i>
6.	<i>Industrial</i>	<i>\$ 100.00 plus \$0.10 per m<sup>2</sup> gross floor area</i>
7.	<i>Part year business licence - seasonal</i>	<i>1/2 annual fee</i>
	<i>Business starting before June 30</i>	<i>annual fee</i>
	<i>Business starting after June 30</i>	<i>1/2 annual fee</i>
	<i>3 month licence (where applicable)</i>	<i>1/4 annual fee</i>
	<i>1 month licence (where applicable)</i>	<i>1/10 annual fee</i>
	<i>1 day licence (where applicable)</i>	<i>\$ 25.00</i>
8.	<i>Commercial/Breeding Kennel</i>	<i>\$ 100.00 (AB #2645)</i>