

TOWN OF GOLDEN

BYLAW NUMBER 990

Being a Bylaw respecting licenses for carrying on business within the Town of Golden and for fixing the fees for such licenses.

WHEREAS the Council of the Town of Golden, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. Bylaw Number 834, 1991, cited as "Trade License Bylaw Number 834, 1991" and any amendments thereto is hereby rescinded in its entirety.
2. DEFINITIONS: for the purposes of this Bylaw, unless the context otherwise requires:

"Act" means the Municipal Act, being Chapter 290 of the Municipal Act of British Columbia, R.S.B.C. 1979, as amended;

"Automobile Accessories" means batteries, tires, tubes, parts, petroleum products, lubricants, and any item that might be used in connection with or become part of a motor vehicle;

"Business" means the carrying on of a commercial or individual undertaking of any kind or nature or the providing of professional, personal, or other services for the purposes of gain or profit;

"Resident Business" means a business carried on in or from premises within the Municipality;

"Non-Resident Business" means a business, other than a Resident Business, carried on within the Municipality or with respect to which any work or service is performed with the Municipality;

"Door-to-Door and 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 any public place, in commercial premises or in private premises occupied by the prospective purchaser;

"License Agreement" means an agreement between the Municipality and the Licensee permitting outdoor tables/chairs/displays as detailed in Schedule 'C';

"License Inspector" means the person, from time to time, duly appointed as License Inspector for the Municipality and also any person lawfully acting in that capacity;

"Mobile Vendors, Mobile Restaurants and Mobile Stores" means a person who uses a vehicle to go from place to place offering for sale merchandise or services, other than a delivery vehicle or a person temporarily parked on private property with the owners' written permission;

"Outdoor Tables/Chairs/Displays" means the extension of a business onto adjacent public property as permitted under a License Agreement as detailed in Schedule 'C';

"Self Serve Gasoline Outlets" means every person who carries on the business of selling, by way of a customer self-serve method of retail, gasoline and other related petroleum products, automobile accessories and tobacco;

"Summer Seasonal Business" means a business directly related to the summer tourism industry and operated strictly between May 1st and October 31st in each year.

3. Subject to Section 498 of the Act, no person will carry on, within the Municipality, any business unless he is the holder of a valid and subsisting license issued to him under this Bylaw by the License Inspector. The license fee will be as set out in Schedule 'A' and renewed at the beginning of each license period.
4. The License Inspector will have power to grant, issue or transfer licenses as hereinafter provided and subject to the provisions of Section 513 of the Act.
5. The application for a license for the first time will be in the form of Schedule 'B' attached hereto and made part of this Bylaw and must be signed by the owner of the business or his duly authorized agent, provided that, in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying will be deemed to be the duly authorized agent of all the owners of the partnership.
6.
 - a) The application form must be delivered to the License Inspector and must be accompanied by the fee prescribed in Schedule 'A';
 - b) Where the applicant for licenses is one and the same person, as many applications of the same kind as may conveniently be made on the form prescribed may be combined in one such form without the necessity for the completion of separate application forms for each business for which a license is sought;
 - c) Notwithstanding subsections (a) and (b) but not inconsistent with the Act or this Bylaw, the License Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed, deemed necessary by him when dealing with any owner applying for licenses for more than one business.
7. All fees collected by the License Inspector under this Bylaw will be paid forthwith to the Treasurer of the Municipality who will be dealing with the said fees in the manner provided in the Act.
8.
 - a) Except as hereinafter provided, licenses will be issued so as to terminate on the 30th day of April and 50% reduction will be made on account of any person commencing to do business after the first day of November to the 30th day of April of that license period;
 - a1) A Summer Seasonal Business license will be issued so as to commence on the 1st day of May and terminate on the 31st day of October in each year.
 - b) If one company operates more than one business under the same name, they will be charged one full rate. This rate will be determined by the cost of the highest Trade License fee plus 10% of every other Trade License fee required;
 - c) Subject to Section 506(2) of the Act, the period for a license with respect of 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 months, three months or one day, and the period requested will be by written application under the signature of the applicant;
 - d) Subject to Section 506(3) of the Act, the period for a license with respect to a circus, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, will be one day;
 - e) The period for a license in respect to horse racing will be one day.
9.
 - a) Every license granted pursuant to this Bylaw will be in the form of Schedule 'B' or Schedule 'C' attached to and forming part of this bylaw;

b) No person will carry on business at two or more premises at the same time under one license;

c) No person will change his place of business without first obtaining a transfer of his license in respect thereto and the particulars of such transfer must be endorsed by the License Inspector.


- 10. The License Inspector will have the power to suspend licenses subject to the provisions of Sections 508 and 513 of the Act.
- 11. Every licensee under this Bylaw must permit reasonable access to the License Inspector to the premises at which the licensed business is being carried on for the purpose of ensuring that the requirements of this Bylaw and Division (1) of Part XI of the Act are being fulfilled.
- 12. Every licensee under this Bylaw must prominently display, at the premises at which the licensed business is being carried out, the current and valid Business License and/or License Agreement.
- 13. Any person who is in contravention or violation of any of the provisions of this Bylaw will be liable, on conviction, to a fine or penalty of not less than \$100.00 and not more than \$500.00.
- 14. A penalty of 10% or a minimum of \$10.00 will be added to all Trade License fees not paid by April 30th of that year.
- 15. This Bylaw may be cited as "Trade License (Amendment) Bylaw Number 990, 1996."
- 16. This Bylaw will come into force take effect upon Adoption by the Council of the Town of Golden.

READ A FIRST TIME, this 12th day of August, 1996.

READ A SECOND TIME, this 26th day of August, 1996.

READ A THIRD TIME, this 9th day of September, 1996.

ADOPTED, this 23rd day of September, 1996.



MAYOR



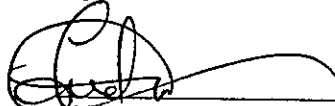
CLERK/ADMINISTRATOR


Certified to be a true and correct copy of Bylaw Number 990, cited as "Trade License (Amendment) Bylaw Number 990, 1996."

Dated this _____ day of _____, 19__.

CLERK

Schedule 'A'
Attached to and forming part of Bylaw
Number 990, cited as "Trade License
Bylaw Number 990, 1996."


MAYOR


CLERK

Schedule 'A'

The License Inspector has the authority to allocate any new business not listed below to the appropriate category.

Non-Profit Organizations will not be required to obtain a license.

All fees are for one (1) year license period unless otherwise stated.

1. AUTOMOBILE SALES, SERVICING, LEASING AND REPAIRS

From any person or company carrying on the business
of automobile servicing and rentals in this category.....\$ 70.00

- Auto Body
- Automobile Dealer (new/used)
- Automobile Parts
- Automobile Service Stations (self-serve & manual)
- Auto Wrecker
- Machine/Equipment Rental/Sales
- Machine/Equipment Service/Repair

2. AMUSEMENT & RECREATION

From any person or company carrying on an amusement
or recreational service within this category.....\$ 70.00

- Bowling Alley/Pool Hall/Arcade
- Carnival/Circus/Exhibition/Horse Racing,
Professional Sport.....\$125.00/day
- Rifle Gallery/Archery Range/Clubs.....\$ 70.00

3. BANKS & INVESTMENT COMPANIES

From any person or company carrying on the business
of banking or investment companies.....\$ 225.00

4. CONTRACTORS

a) A person or company carrying on the business
of a general contractor.....\$ 125.00

b) A person or company carrying on the business
of a sub-contractor, including:.....\$ 70.00

- Concrete Installation
- Drywall
- Mechanical & Equipment Installation
- Electrical
- Excavation & Landfill
- Flooring & Interior Wall Cover
- Framing & Insulation
- Glazing
- Heating & Ventilating
- Landscaping
- Misc. General Renovations
- Masonry & Bricklaying
- Millwork
- Painting/Decorating/Sand Blasting
- Plumbing
- Portable Welding
- Refrigeration/Air Conditioning
- Road/Street Maintenance
- Roofing/Siding

5. A) DOOR-TO-DOOR AND DIRECT SALES

- a) Christmas cards, greeting cards, calenders.....\$ 70.00/
person
- b) Cosmetics or any personal beautifiers.....\$ 70.00/
person
- c) All other classifications.....\$ 200.00/
person
- d) Or in the alternative, a company may license
all representatives with the Town for a flat
fee of.....\$ 300.00/
company

B) MOBILE VENDORS

- a) Mobile stores and restaurants.....\$ 150.00/
vehicle

C) MAIL ORDER

Any person or company carrying on a mail order
business in conjunction with a retail or retail/
wholesale business or establishment, being
operated or managed by him within the same
premises.....\$ 70.00

6. INDUSTRIAL & MANUFACTURING

From any person or company carrying on an
industrial business in this category.....\$ 70.00

- Cabinet making
- Fabricating Shops
- Ready Mix
- Sawmills
- Sand & Gravel
- Warehousing

7. MOBILE HOME PARKS, HOTELS, MOTELS, ROOMING HOUSES & APARTMENTS

From any person or company letting individual rooms,
suites or rooms, either in an apartment house, rooming
house, hotel or motel, and from any person renting a
trailer pad in any trailer court.....\$ 3.00/
room or pad/
\$ 70.00 min.

8. PROFESSIONAL SERVICES

From any person or company carrying on a business
of a professional service in this category.....\$ 70.00

- Acoustician
- Architect
- Barrister/Solicitor
- Chartered Accountant
- Chiropodist
- Chiropractor
- Dentist/Optometrlist
- Osteopath/Masseur
- Physician/Surgeon
- Professional Engineer
- Radiologist
- Scalp Specialist
- Surveyor
- Vetrinarian

9. PUBLIC SERVICE

From any person or company carrying on a business
of a public service in this category.....\$ 70.00

- Barber
- Beauty School
- Blacksmith
- Body Toning Studio
- Cafe, Coffee Shop, Restaurant
- Charter Service/Tours
- Chimney Sweep/Window Cleaner
- Cold Storage Plant
- Collection Agency
- Commercial Design/Illustration
- Computer Sales/Service
- Dance Academy
- Laundry
- Locker plant
- Machine Shop
- Monument at works
- News Agency
- Photographer/Photo Supplies
- Printing & Publishing
- Sanitary Service
- Second Hand Dealer
- Sign Writer/Painter
- Storage/Warehouse/Moving
- Tailor/Dressmaker

- 9. - Dental Technician
- Diaper Service
- Dry Cleaning
- Express Company
- Furniture Storage
- Glass Sales/Service
- Hairdresser
- Insurance Adjuster
- Insurance/Real Estate
- Janitor Service
- Kennels
- Taxidermist
- Television/Cable
- Theatres
- Tire Sales/Service
- Travel Agency
- Undertaking
- Upholstery & Rug Cleaning
- Vehicle for Hire
- Weight Loss Centre
- Public Service Not Categorized

10. REPAIR

From any person or company carrying on a business of a repair service in this category.....\$ 70.00

- Bicycle/Motorcycle Repair
- Fur Trader
- Market Gardener
- Miscellaneous Repair
- Office Equipment Repair
- Radiator Repair
- Radio/TV Repair
- Saw Filing
- Shoe Repair
- Upholstery & Furniture Repair
- Watch Repair

11. RETAIL SALES

From any person or company carrying on a business in retail sales.....\$ 70.00

12. WHOLESALE

From any person or company carrying on a business of wholesale service in this category.....\$ 70.00

- Dairy
- Beverage Manufacturer
- Gas Bulk or Storage Plant
- Wholesale Dealer & Oil Sales
- Wholesale Baker
- Wholesale Trader of any nature
- Wholesale Sales & Service
- Wholesale Bottler

13. MISCELLANEOUS

From any person or company carrying on a business not previously mentioned or listed in this category.....\$ 70.00

- Auctioneer
- Car Wash
- Christmas Tree Sales
- Engraving
- Event Planning
- Heliskiing
- Museum
- Parking Space
- Piano Tuner
- River Rafting
- Shoe Shine Stand
- Tax Preparation
- Home Occupation
- Music Teacher

14. SUMMER SEASONAL

From any person or company carrying on a business from May 1st to October 31st.....\$ 35.00

15. OUTDOOR TABLES/CHAIRS/DISPLAYS

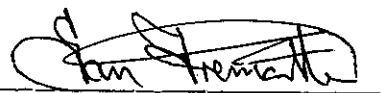
From any person with an existing business wishing to utilize the outside front of that business.....\$ 25.00



Schedule 'B'

Attached to and forming part of Bylaw Number 990, cited as "Trade License Bylaw Number 990, 1996."


MAYOR


CLERK

SCHEDULE 'B'

Computer No. _____

Firm or Business Name: _____

Name of Licensee: _____

Use & Type of Business to be Conducted: _____

Section(s) Licensed Under: _____

Class of Business: _____

Location of Business: _____

Manager Name & Address: _____

Phone: _____

Total of:

- 1) Trades _____
- 2) Sq.Ft./Bldg. _____
- 3) Sq.Ft./Used Area _____
- 4) Seats/Chairs _____
- 5) Units _____
- 6) Rooms _____

- 7) Tables _____
- 8) Lanes _____
- 9) Persons Employed _____
- 10) Other _____

Business Mailing Address: _____ Phone: _____

Legal Description: _____

Owner of Premises: _____

Opening Date: _____

Type of Business: New: _____ Existing: _____

If Existing, are renovations planned: _____

Company Registration: _____

References: _____

Trade Qualification Certificate No: _____

I/We _____ hereby make application for a license in accordance with the particulars as above stated and declare the above statements are true and correct and I undertake that if I am granted the license applied for, I will comply with each and every obligation contained in all the laws and bylaws now in force or which may hereafter come into force in the Town of Golden, British Columbia.

Dated: _____


Signature of Applicant: _____


Remarks from License Inspector: _____



Schedule 'C'

Attached to and forming part of Bylaw Number 990, cited as "Trade License (Amendment) Bylaw Number 990, 1996."


MAYOR


CLERK

SCHEDULE 'C'

LICENSE AGREEMENT
TABLES, CHAIRS AND DISPLAY RACKS

1. The Town of Golden grants to the undersigned Licensee, the right, revocable at will by the Town on twenty-four hours notice, to place

(the encroachment) on that portion of the sidewalk immediately abutting premises at

in the Town of Golden, during business hours only.
2. The Licensee agrees:
 - a) to place the listed encroachments only on the sidewalk portion of the frontage and only so as to minimize disruption of and danger to pedestrians using the sidewalk;
 - b) to weight the encroachment sufficiently to prevent its being moved by wind;
 - c) to remove and refrain from placing the encroachment on the sidewalk upon being directed in writing to do so by the Bylaw Enforcement Officer and/or designate of the Town;
 - d) to indemnify and save harmless the Town, its officer, employees and elected and appointed officials, from and against all actions, proceedings, claims and demands by any person and to reimburse the Town for all damages and expenses caused or contributed to by the negligence or other default of the Licensee, its servants or agents in respect of anything done pursuant or ostensibly pursuant to this Agreement, or caused or contributed to by the placement of the encroachment on the highway/sidewalk;
 - e) to purchase and maintain in place a policy of public liability insurance in the amount of at least FIVE MILLION DOLLARS, insuring the Licensee and the Town as a named insured in respect of claims for personal injury and death that is directly or indirectly caused by or attributable to the placement of an encroachment under this license, and to provide a copy of such policy to the Town annually;
 - f) to place the encroachment only on the sidewalk abutting the business lot frontage; location to be approved by the Town;
 - g) the encroachment shall not be placed on the normal travel portion of the sidewalk, and must always allow a minimum 5 feet travel width clear;
 - h) the encroachment shall not interfere with street parking;
 - i) the encroachment will only be allowed during business hours;
 - j) the annual permit fee is \$25.00, from May 1 to April 30; proof of liability insurance will be required at the time of permit application and/or renewal.

BYLAW ENFORCEMENT OFFICER/
LICENSE INSPECTOR/DESIGNATE

LICENSEE