



## **TOWN OF FARO BYLAW 2005-01**

### **A Bylaw to control and regulate all business carried on within the Town of Faro**

WHEREAS Section 247(1) of the Municipal Act, Chapter 19, Statutes of the Yukon provides that Council may by bylaw impose and collect business licenses and fees;

AND WHEREAS the Council of the Town of Faro wishes to ensure that business are operated in a manner beneficial to the municipality;

NOW THEREFORE the Municipal Council of the Town of Faro in the Yukon Territory, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **1.0 TITLE**

1.1 This Bylaw may be cited as the Business Licensing Bylaw.

#### **2.0 DEFINITIONS AND INTERPRETATIONS**

2.1 In this Bylaw all definitions contained in the Act shall apply, and interpretations of this Bylaw shall be consistent with the requirements of the Act.

2.2 In this Bylaw

- (a) Act means the Municipal Act, Chapter 19, Statutes of the Yukon and amendments thereto.
- (b) Administration means the Administrative staff working at the Town Office in the Town of Faro.
- (c) Applicant means a person who applies for a License or renewal of a license required by this Bylaw, and shall also mean a person who is appealing the refusal, revocation, or suspension of a License.
- (d) Business means any business, commerce, or industry for the purpose of furnishing goods or services.
- (e) Bylaw means the Business Licensing Bylaw.
- (f) Charitable Organization means a person, association of persons, or a corporation, acting for charity, or in the promotion of general social welfare as determined by the License Inspector, and includes:
  - 1. A religious society or organization.
  - 2. A service club.
  - 3. A community, veterans or youth organization.
  - 4. A social, sport or fraternal organization or club.
  - 5. An employers or employees organization.
- (g) CAO means the Chief Administrative Officer for the Town of Faro.
- (h) Council means the Municipal Council of the Town of Faro, in the Yukon Territory.

- (i) License means a License issued by the License Inspector pursuant to this Bylaw.
- (j) License Inspector means the Municipal Official appointed by Resolution of Council to administer and enforce the requirements of this Bylaw.
- (k) License Year means a one year calendar period commencing on January 1<sup>st</sup> and ending on the next December 31<sup>st</sup>.
- (l) Non-resident means that the business is not permanently located in the Town of Faro, as determined by the License Inspector, during that license year.
- (m) Resident means that the business maintains a permanent place of business in the Town of Faro, as determined by the License Inspector, during that License Year.

### **3.0 BUSINESSES EXEMPTED FROM OBTAINING A BUSINESS LICENSE**

- 3.1 All businesses shall apply for and obtain a Business License except as exempted by this Part.
- 3.2 Any charitable organization shall be exempt from the requirement to obtain a Business License provided that the proposed business complies with all bylaws of the Town of Faro, and any other statute or regulation.
- 3.3 Any business may exhibit or carry on business at the location of a trade show or exhibition for a consecutive period not exceeding ten (10) days without a separate Business License being required for that location.
- 3.4 Any person or firm providing a professional health service in the Town or on an intermittent basis shall be exempt from licensing requirements.
- 3.5 Public Utilities shall be exempted from licensing requirements.

### **4.0 APPLICATION FOR A BUSINESS LICENSE**

- 4.1 An applicant shall make an application to the License Inspector, in the form and manner prescribed by the License Inspector, and shall provide such information as is required by the License Inspector, including, but not limited to;
  - (a) Name of the Owner of the business,
  - (b) Name of the Operator of the business,
  - (c) Name, address and telephone numbers of the applicant,
  - (d) A description of the business,
  - (e) The location of the business, and
  - (f) Name of the Business.
- 4.2 Full payment of all fees required by this Bylaw shall accompany each application for a License.
- 4.3 Where a business changes ownership, changes the form of its business, or changes the name of its business, an application shall be made as required by Section 3.1, accompanied by the fee as shown in Schedule A.

- 4.4 The License Inspector shall provide, by advertisement and written notice mailed to all current License holders, notice to apply for a License for the next License year. Such advertisement and notice shall be provided on or following December 1<sup>st</sup> of each License Year.
- 4.5 Where an application is to renew an existing Business License for the following License Year, it shall be considered as an application required under this Part, except that the business shall not be considered as operating without a License provided that an application is received on or before January 31<sup>st</sup> of the License Year.
- 5.0 APPROVAL, REFUSAL, SUSPENSION, REVOCATION OF A BUSINESS LICENSE**
- 5.1 The License Inspector shall approve and issue a Business License to any business, following the submission of an application as required by this Bylaw, which complies with the Bylaw and all other Bylaws of the Town of Faro and any other statutes or regulations.
- (a) All Licenses are granted subject to the provisions of the Zoning Bylaw applicable within the Town and the issuance of the License shall not be deemed as approval to carry on business in or on any premises in contravention of the Zoning Bylaw.
- (b) Where a License is granted to carry on business in or on a premises where such activity is not permitted by the Zoning Bylaw, the License Inspector shall forthwith cancel the License and refund the License Fee to the applicant.
- 5.2 Where any certificate, authority, license, document or any qualification under this or any other Bylaw or under any Statute of Canada or the Yukon Territory is suspended, cancelled, terminated or surrendered, any license issued under this Bylaw based in whole or in part on such certificate, authority, license, document or qualification shall be revoked automatically forthwith, except as provided by Section 4.4.
- 5.3 Where a license is revoked pursuant to Section 5.1 or 5.2 hereof, the Licensee shall forthwith:
- (a) return the License to the Town offices;  
or
- (b) furnish the License Inspector within 3 days with satisfactory proof of a renewal or re-issuance of any certificate, authority, license, document, or qualification referred to in Section 4.2 hereof at which time the License will be considered for suspension, renewal or re-issuance.
- 5.4 Where an application for a License is refused, the License Inspector shall forthwith advise the applicant of the reason or reasons for the refusal in writing, and shall refund the fee accompanying the application.
- 5.5 Where in the opinion of the License Inspector the loss of qualification under Section 4.2 is temporary, the License Inspector may immediately suspend the License in question for a period not to exceed 30 days. Re-issuance of the License after suspension shall be without the requirement to apply or re-apply for a License.

- 5.6 Where a License is revoked or suspended the business shall immediately cease operating, and shall not commence operating until a License is approved and issued by the License Inspector.
- 5.7 Where a license is issued by the License Inspector it shall bear;
- (a) the identification of the Town of Faro,
  - (b) the License year,
  - (c) the expiry date,
  - (d) the classification of the business, as determined by the License Inspector,
  - (e) the Name of the business
- 5.8 Each License issued shall be clearly displayed at the location of the business for which it was issued.
- 5.9 Every Licensee who holds a License under this Bylaw which is not limited to specific premises, shall, so long as the License is in force, carry on the Licensees person or have immediately available the License, or a copy authorized by the License, and such Licensee shall, upon request, forthwith produce same to an R.C.M.P. Officer, a License Inspector, or any person with whom the Licensee is doing business, to which the License relates.
- 5.10 Each License issued shall expire at the end of the current license year.
- 5.11 A License is automatically revoked if payment of fees required by this Bylaw is made by cheque or other instrument which is not accepted by the financial institution on which it is issued.
- 5.12 The classification of the business, as determined by the License Inspector, shall include all subsidiary and ancillary uses at the location operated by the same owner and no separate Licenses or fees shall be required.

## **6.0 APPEAL**

- 6.1 Where the License Inspector refuses an application for a License, or suspends or revokes a License, the applicant may appeal the decision of the License Inspector within thirty (30) days.
- 6.2 An applicant wishing to appeal the decision of the License Inspector shall make a written request to Council stating the basis of the appeal, accompanied by the fee as shown in Schedule A.
- 6.3 The appeal shall be heard by the Licensing Appeal Board, at the time and place set by Administration within thirty (30) days of filing an appeal.
- 6.4 The Licensing Appeal Board may, following a hearing of the appeal;
- (a) confirm the refusal, revocation or suspension of the License,
  - (b) direct that the License be issued,
  - (c) reinstate the revoked License, or
  - (d) remove or vary the suspension.
- 6.5 Where the Licensing Appeal Board finds that, in its opinion, that fault does not lie wholly with the applicant, the Licensing Appeal Board may refund all or part of the fee required by Section 6.2

**7.0 LICENSING APPEAL BOARD**

- 7.1 Annually, or as required, Council shall appoint three (3) Council members to sit as a Licensing Appeal Board.
- 7.2 Members of the Licensing Appeal Board shall appoint a Chair from amongst themselves by mutual consent.
- 7.3 Meetings of the Licensing Appeal Board shall be public meetings, held in accordance with established Council Meeting procedures.
- 7.4 Minutes of Licensing Appeal Board hearings shall be kept as a public record and shall be approved by the Board Members at the subsequent Regular Meeting of Council.

**8.0 DUTIES OF THE LICENSE INSPECTOR**

- 8.1 The Licensing Inspector shall:
- (a) Administer and enforce the requirements of this Bylaw.
  - (b) Ensure that License fees are remitted as required by this Bylaw and credit such fees to account of the Town of Faro.
  - (c) Provide reports and advice to Council on business licensing, in such manner and at such times as Council may require.
- 8.2 The Licensing Inspector may conduct inspection of any business to ascertain that the business complies with the requirements of the Bylaw.
- 8.3 Every person carrying on or engaged in any business is required by the Act, to give to the License Inspector all information necessary to enable the License Inspector to carry out their duties.

**9.0 LICENSE FEES**

- 9.1 Schedule A shall contain a list of fees that apply to this Bylaw.
- 9.2 Council may from time to time, by Resolution, change the fees as established in Schedule A.
- 9.3 Where a Resident business operates only after July 1<sup>st</sup> of any license year, the fees paid shall be one half of the fee shown on Schedule A.

**10.0 PENALTIES**

- 10.1 Every person who is required under this Bylaw to be licensed in respect of a business and who carries on or engages in such business within the Town without being licensed, commits an offense and is liable, upon conviction, to a fine not exceeding fifty dollars (\$50.00) for each day that the business operates in contravention of this Bylaw.
- 10.2 Every person who violates or fails to comply with the provisions of this Bylaw in respect of which no penalty is specified, commits an offense and is liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00).

10.3 Where the offense is non-payment of any License fee payable hereunder, the court may adjust payment thereof in addition to the fine imposed.

**11.0 GENERAL**

11.1 Should any section, clause, sentence or provision of this Bylaw become invalid, or deemed to be invalid, it shall not affect the validity of any other part of this Bylaw which can be given effect without such invalid part or parts.

11.2 Former Business Licensing Bylaw No. 92-16 and all other Bylaws, pursuant to the licensing of Businesses, Trades, Occupations and Callings, within the corporate limits of the Town of Faro are hereby repealed, and henceforth all licensing and regulation of Businesses, Trades, Occupations and Callings will be pursuant to this Bylaw.

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

READ A FIRST TIME this 15<sup>th</sup> day of February, 2005

READ A SECOND TIME this 15<sup>th</sup> day of February, 2005

READ A THIRD TIME and finally passed this 29<sup>th</sup> day of November, 2005

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George Miller, Deputy Mayor

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Larry Baran, Clerk