



DISTRICT OF VANDERHOOF
BYLAW NO. 1128, 2013
Business and Licensing Amending Bylaw

WHEREAS the *Community Charter* authorizes Council to regulate in relation to business, to prohibit any activity or thing until a business licence has been granted, to provide for the granting, refusal, suspension and cancellation of licence and to establish time periods, terms and conditions of a licence, AND;

WHEREAS Council wishes to amend the Corporation of the District of Vanderhoof Business License Bylaw No. 912, 2001.

THEREFORE the Council of the District of Vanderhoof in open meeting assembled enacts as follows:

SECTION 1 - TITLE

This Bylaw may be cited for all purposes as District of Vanderhoof Business License Amending Bylaw No. 1128, 2013.

1. AMENDMENT

Sections 2.2, 4.2, 4.3, 4.4 and 4.5 of the District of Vanderhoof "Business License Bylaw No. 912, 2001" are added or amended to read:

2.2. COMPLIANCE WITH BYLAWS AND ENACTMENTS

A person carrying on a resident or non-resident business within the District must at all times comply:

- a) with this Bylaw, other bylaws of the District or other local government having jurisdiction over the business activity, and with any applicable enactments of the provincial and federal governments;
- b) with any and all terms and conditions, restrictions or limits of a licence issued under this Bylaw and any other applicable enactment;
- c) with any direction, requirements, restrictions or limits established by Council pursuant to a reconsideration of a decision to suspend or cancel a licence;
- d) and must endeavour to operate the business in a manner that reasonably:
 - a. meets trade, occupational, professional or other standards established by law or in the absence of law, by customary practice, for that business;
 - b. avoids nuisance for owners and residents in the vicinity of the business and the public generally;
 - c. prevents and minimizes risks to the health and safety of employees, patrons, neighbours, and the public generally.

4.2 INSPECTIONS

- a) The Inspector or a Bylaw Enforcement Officer may, at reasonable times and in a reasonable manner, enter on or into a property, building, structure, or other premises where business is or appears to be carried on to inspect and determine whether all restrictions, conditions and requirements under this Bylaw or another applicable enactment are being met.



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4.3 TERMS AND CONDITIONS BY INSPECTOR

- a) The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence for the purpose of addressing any concern or obstacle to the reasonable operation of the business, including issues of safety, health, nuisance, crime prevention or reduction, security of persons or property, and otherwise for compliance with this Bylaw or other applicable enactments.

4.4 SUSPENSION OR CANCELLATION OF LICENCE

- a) If the Inspector makes a decision to refuse an application for a licence or to suspend or cancel a licence, the Inspector must provide reasons in writing to the applicant or licensee, as applicable. Notice of the refusal, suspension or cancellation is deemed to be sufficient if delivered:
 - b) by mailing or leaving the notice with the business owner, operator, manager or agent, or by deposit in that person's mailbox or receptacle at the person's place of business or residence;
 - a. by mailing or otherwise delivering the notice to the address of the premises described in a licence application; or
 - b. if the person to whom a notice is directed cannot be found, is not known, or refuses delivery, by posting a copy of the order in a conspicuous place on the premises noted in the licence application.

4.5 RECONSIDERATION

- a) A person who has been refused a licence, or whose licence has been suspended or cancelled by the Inspector, may, within seven (7) days of being delivered a notice of the Inspector's decision, seek a reconsideration by Council by delivering to the District's corporate officer a written request for reconsideration, along with reasons and any further information supporting the position of the applicant or licensee.
- b) A request for reconsideration may be heard at the next regularly scheduled meeting of Council if it is received by the corporate officer within ten (10) clear business days in advance of that date, or otherwise on the next regularly scheduled meeting of Council following receipt of the request.
- c) If no request for reconsideration has been received by the corporate officer within seven (7) days after a notice has been delivered under section 4.5, the Inspector's decision is final and the person must not engage in the business or allow it to operate:
 - a. until the period of suspension is ended; or
 - b. until the Inspector is satisfied that the reasons stated for the refusal or cancellation of the licence have been fully addressed, and any related problems are fully resolved.
- d) A person requesting reconsideration may provide further information and notice of any witnesses in support of his or her position up to two (2) days before the date the matter is to be heard. Council may request any information that it considers may be relevant to its decision, and may hear from the applicant or licensee or a representative, and from any other person whom Council considers may provide information that is relevant to the matter. If the applicant or licensee does not attend, Council may consider the matter in his or her absence.



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- e) If the Inspector is of the opinion that the operation of a business presents a significant and imminent threat to life safety or damage to property, a notice of suspension may be effective within a shorter period than the 7-day period set out in section 4.5 (a), as set out in the notice. In this case a request for reconsideration may be heard by any three members of Council or more who are available to meet on at least twenty-four (24) hours' notice.
- f) Following an opportunity for reconsideration, Council may confirm or vary the decision of the Inspector, may reserve its decision to a further date; extend the effective date of the decision, place additional restrictions or conditions on the licence, or otherwise substitute its own decision for that of the Inspector.
- g) A person who has been refused a licence, or whose licence has been suspended or cancelled, must not operate or engage in the business that is the subject of the decision to refuse, suspend or cancel.

READ A FIRST TIME THIS 24th day of June 2013.

READ A SECOND TIME THIS 24th day of June 2013.

READ A THIRD TIME THIS 24th day of June 2013.

FINALLY ADOPTED THIS 16th day of July 2013.

Mayor

Corporate Officer