

THE VILLAGE OF MAYO

BY-LAW # 93

A by-law to provide for the licensing and regulating of businesses in the Village of Mayo.

WHEREAS Sections 276, 277, 278 and 279 of the Municipal Act of the Yukon Territory authorizes the Council of a municipality to license and regulate all businesses carried on within the municipality;

NOW THEREFORE, the Council of the Village of Mayo, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

Short Title

1. This by-law may be cited as the "Municipal Business License By-law."

Interpretation

2. In this by-law, unless the context otherwise requires,
 - (a) "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.
 - (b) "carry on or operate a business" includes the action of any person who advertises himself by newspaper, or otherwise, as open for business of any kind, or who advertises himself as open to render professional or other services to any other person;
 - (c) "Council" means the council of the Village of Mayo;
 - (d) "License Inspector" means the person appointed from time to time by by-law or resolution of Council as License Inspector for the Village of Mayo;
 - (e) "non-related businesses" means business which would not normally be seen to be of the same complementary nature or kind in the carrying on of any commercial or industrial undertaking or the providing of professional, personal, or other services;
 - (f) "non-resident business" means a business, other than a resident business, carried on within the Village or with respect to which any work or service is performed within the Village;
 - (g) "person" includes a corporation or partnership;
 - (h) "premises" includes the store, office, warehouse, factory, building, enclosure, yard or other place occupied or capable of being occupied, by any person for the purpose of any business;
 - (i) "resident business" means a business carried on within or from a permanent place of business situated within the Village;
 - (j) "Village" means the Village of Mayo.
 - (k) "A Hobby" means a business carried on by a person on or from his or her residence, for the occasional sale of handmade products or crafts.

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Duties of License Inspector

3. The duties of the License Inspector are:
- (a) to receive and deal with all applications for licenses and transfers thereof;
 - (b) to keep a record of all applications for licenses and transfers of licenses;
 - (c) to keep on file duplicates of all licenses issued;
 - (d) to ascertain as far as reasonable practicable that all information furnished by an applicant in connection with an applicant for a license or transfer of license is true in substance and fact;
 - (e) to prepare and issue all licenses pursuant of the terms of this by-law;
 - (f) as often as necessary, to inspect all premises licensed or required to be licensed pursuant to the provisions of this by-law in order to ascertain that such premises comply with the said provisions of all Village Bylaws and Territorial and Federal Acts; and
 - (g) to administer this by-law and, as far as practicable, see that all persons concerned conform to its provisions, and to prosecute persons who fail to comply herewith.
 - (h) to prepare and update as required, or cause to be prepared and updated, a listing of licenses which will include a general description of the goods and/or services provided which shall be used as
 - (i) a basis for invitational bids or contracts for the Village
 - (ii) a basis for answering queries from any party as to availability of goods and services within the Village.

Necessity for License

4. (a) No person shall carry on or operate any business within, or partly within partly without, the Village, without first having obtained a business license and paid the license fee prescribed in this by-law.
- (b) This by-law shall not apply to any business which is exempted by any statute of the Yukon Territory from being required to hold a municipal business or trades license.
- (c) Every license issued pursuant to this by-law shall be valid only in respect of the person to whom the said license is issued, and in respect of the address of the business stipulated thereon.

5. Any person who carries on or operates non-related businesses in or from any one premises shall obtain one license.

6. For the purpose of this by-law, where a business is carried on, in or from, more than one premises in the Village, each premises shall be deemed a separate business.

Special Event License

7. When an application has been made, and it is determined by the License Inspector that a business or an event is not of an ongoing nature, a special event license may be issued for a definite length of time not to exceed five days, and the fees shall be as set out in Schedule "A" to this by-law.

Junior Businesses

8. When an applicant has not attained the age of eighteen years, and where that applicant is able to assure the License Inspector that the business applied for will not exceed a gross revenue of six thousand dollars for the year in which the application is made, then a Junior Business License may be issued, and the fees shall be as set out in Schedule "A" to this by-law.

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9. Hobby License

When an applicant carries on a business from his or her residence, such as the occasional sale of handmade products or crafts, a hobby license may be issued, and the fees shall be as set out in Schedule "A" to this by-law.

10. (a) The fee payable for a license issued between the 1st day of January and the 30th day of June in any year shall be the full license fee set out in Schedule "A" to this by-law, and the fee for a license issued between the 1st day of July and the 31st day of December in any year, shall be one half of the fee set out in Schedule "A".
- (b) The holder of a non-resident business license shall not be entitled to a refund of that portion of the license fee applicable to a non-resident business upon becoming a resident business as defined in this by-law.
- (c) In addition to all license fees otherwise payable under this by-law, every person who fails to acquire a business license at the time he is required to do so shall, when such business license is finally issued, pay a penalty of ten percent of the applicable license fee for every thirty days or portion thereof during which the business has operated without a valid business license.
- (d) No business license shall be issued to any person until such person has paid all license fees and penalties required to be paid under this by-law.
11. Every license issued under the provisions of this by-law shall terminate at midnight on the 31st of December in any year unless the license has been sooner cancelled or forfeited.

Conditional License

12. Where the License Inspector issues a license subject to certain conditions, he shall endorse on the license the particulars of such conditions.

Licenses Subject to Zoning

13. All licenses are granted subject to the provisions of any Zoning By-law of the Village and the issuance of a license shall not be deemed as approval to carry on a business in or on any premises in contravention of the provisions of a Zoning By-law in force in the Village. Where a license is granted to a person to carry on a business in or on premises where such activity is not permitted by the Zoning By-law, the License Inspector shall forthwith cancel the license and refund the license fee to the applicant.

Posting of License in Premises

14. Every license issued under this by-law shall be made out and mailed or delivered to the licensee who shall post the license in a conspicuous place in his business premises. Where a licensee has no premises within which to post the license, he shall produce his license when required to do so during business hours by a License Inspector or any Peace Officer.

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Transfer of License

15. (a) Where a licensee makes application to change his place of business the License Inspector may, upon the payment of a ten dollar transfer fee and the surrender of the original license, issue a replacement license reflecting the address of the new place of business.
- (b) No replacement license shall be issued in accordance subsection (a) where the premises to which the applicant wishes to transfer the license does not comply with the requirements of any applicable Zoning By-law or the proposed use of those premises would not comply with the requirements of the said by-law.
- (c) Where a licensee makes application to transfer his license to another person the License Inspector shall, upon payment of a ten dollar transfer fee and the surrender of the original license, issue a replacement license in the name of the transferee.

Appeal Where License Refused

16. (a) Any person who has applied for but failed to be granted a license may appeal to Council and the Council may by resolution refuse in any particular case to grant the request of an applicant for license.
- (b) Every such appeal shall be made in writing within thirty days after a license has been refused, otherwise the rights of appeal shall be barred and extinguished.

Revoking of License

17. (a) Council may revoke a license for reasonable cause after giving 15 days notice to the licensee and after giving the licensee an opportunity to be heard at the first regular meeting after expiration of the 15 days notice.
- (b) The notice and opportunity to be heard referred to in subsection (a) is not required in respect of a licensee who by reasonable effort cannot be found.

Goods Offered for Sale on Streets or Public Property

18. (a) No person shall store or accumulate goods or merchandise which are offered for sale or intended to be offered for sale on any street, sidewalk or boulevard, or other public property unless authorized in advance by resolution of Council.
- (b) No person shall, unless authorized in advance by a resolution of Council and be in possession of a valid business license:
- (i) Offer for sale any merchandise of goods on any street, sidewalk, boulevard or other public place, or
 - (ii) offer for sale any merchandise or goods on any street, sidewalk, boulevard or other public place by means of samples, patterns, cuts or blueprints, where such merchandise or goods are to be thereafter delivered to the purchaser.
- (c) Subject to subsection (a) where goods or merchandise are found stored on a street, sidewalk, boulevard or public property, the License Inspector may take said goods or merchandise into custody and cause them to be taken to a safe and suitable place, and the said goods or merchandise shall not be released to the owner thereof until the said owner or his agent has paid all costs and charges incurred in the removal and storage of the goods.

Intermunicipal Business Licenses

19. The holder of an intermunicipal business license as issued under by-law #62 shall not be required to obtain any further license from the Village of Mayo.

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Penalties

- 20. (a) Every person who is required by this by-law to be licensed in respect of a business and who carries on or engages in such business within the Village without being licensed, commits an offense and is liable, upon conviction, to a fine not exceeding fifty (\$50.00) dollars for each day that he carries on or engages in such business while unlicensed.
- (b) Every person who violates or fails to comply with the provisions of this by-law in respect of which no penalty is specified, commits an offense and is liable on summary conviction to a fine not exceeding five hundred (\$500.00) dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

Enactment

- 21. By-Law #63 is hereby repealed.
- 22. This by-law shall come into full force and effect upon final reading of this by-law.

READ a first and second time this 4 day of March, 1992.

APPROVED by the Executive Council Member this 22 day of July, 1992.

Thomas Ryblov
Executive Council Member

READ a third time and finally passed this 13 day of August, 1992.

[Signature]
Mayor

[Signature]
Clerk

Schedule "A" to
Village of Mayo
By-Law # 93

Municipal Business License Fee Schedule

The fees prescribed in this Schedule apply to resident business licenses. Non-resident business license fees are double the amounts shown.

<u>Classification</u>	<u>Annual Fee</u>
1. All Businesses	\$40.00
2. Special Event	\$15.00
3. Junior	\$ 5.00
4. Hobby License	\$15.00