



TOWN OF PRINCETON
BYLAW 914, 2016

Business Licence and Regulation Bylaw

WHEREAS pursuant to the *Community Charter and Local Government Act*, Council may provide for a system of business licences;

AND WHEREAS it is the purpose of this bylaw to:

require an owner or operator of a business within the boundaries of the Town to hold a valid and subsisting licence for carrying on such business; fix and impose license fees for licenses; and, provide for the collection of licence fees and the granting, issuing and transferring of licences, subject to the limitations contained within the bylaw;

NOW THEREFORE the Municipal Council of the Town of Princeton in open meeting assembled hereby enacts the following:

SECTION 1 TITLE

This Bylaw may be cited for all purposes as the Town of Princeton Business Licensing and Regulations Bylaw No. 914, 2016

SECTION 2 DEFINITIONS

In this Bylaw:

"Business" means carrying on 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, but does not include an activity carried on by the government, its agencies or government owned corporations;

"Business Day" means any calendar day, including any holidays, during which a second-hand dealer or pawnbroker is open for business to one or more members of the public;

"Council" means the Municipal Council of the Town of Princeton;

"Home Based Business " means a business, occupation or profession carried out in a dwelling unit and clearly accessory or incidental to the principal use of the dwelling unit and parcel on or from which it is carried out.

"Inter-Community Business Licence" means a Business Licence issued by a participating municipality that is referenced in Town of Princeton Inter-Community Business Licence Bylaw No. 799, 2008;

“Junk” means used or old property including, but not limited to; scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, waste or scrap metal, or other property commonly found in a junk shop;

“Junk dealer” means a second-hand dealer who carries on the business of dealing in junk, who operates a junk dealer’s premises or who purchases or sells junk;

“Licence Inspector” means a person, or his designate, appointed by Council for the purpose of enforcing and carrying out the provisions of this bylaw and includes Building Inspectors and Bylaw Enforcement Officers;

“Manager” means the Chief Administrative Officer or his designate

“Non-resident Business” means a business, other than a resident business, carried on in the Town, or with respect to which any work or service is performed in the Town;

“Officer in Charge” means officer in charge of the Princeton RCMP detachment and responsible for maintenance of law and order within the Town.

“Pawn” means to deposit goods or chattels as security for the payment of money or other consideration;

“Pawnbroker” means a person who carries on a business of taking goods or chattels in pawn;

“Pawner” means a person, firm, or corporation who pawns property to a pawnbroker but does not include a seller as defined in this bylaw;

“Person” includes a corporation, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this bylaw;

“Picture Identification” means one or more of the following that includes a photograph of the bearer:

- a) valid driver’s Licence issued by a Canadian province or territory;
- b) valid provincial identity card;
- c) valid passport issued by a legitimate government;
- d) certificate of Indian status issued by the Government of Canada;
- e) valid certificate of Canadian Citizenship issued by the Government of Canada; or
- f) valid condition release card issued by Correctional Services Canada;

“Police Force” means the Local Detachment of the Royal Canadian Mounted Police;

“Premises” means a building, portion of a building or an area of land where business is carried on;

“Property” means goods, chattels, wares, merchandise, articles, or things, including motor vehicles and trailers as defined by the Motor Vehicle Act, R.S.B.C. 1966, c.318;

“Purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive, but does not include pawning;

“Register” means the Second-hand Dealers and Pawnbrokers Register referred to in each of Section 6 and where this bylaw stipulates that a second-hand dealer or pawnbroker has an obligation in connection with a register, the reference is to that register which the second-hand dealer or pawnbroker is obliged, under Section 6, to establish and maintain;

“Resident Business” means a business carried on, on or from a premises or place located within the Town;

“Retail Packaging” includes boxes, plastic wrapping or display casing in which individual goods are commonly displayed for sale by retailers and in respect of articles of clothing means the sales or inventory tag attached to the articles by the retailer with the bar code, store keeping unit or the retailer’s similar identifying characteristics;

“Retailer” means any person who carries on the business of selling goods or commodities to the public;

“Sales Receipt” means the receipt or proof of purchase issued by the retailer to the purchaser at the time of the purchase of retail goods which includes the price, date of sale, name and location of the retailer and description of the goods;

“Second-hand Dealer” or “Dealer” means a person who carries on the business of retailing or wholesaling used or second-hand property, or who operates a second-hand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- a) used clothing, furniture, costume jewellery, foot ware, knickknacks and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- b) used clothing, furniture, costume jewellery, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the *Income Tax Act* (Canada) or by donation; or
- c) used books, papers, magazines, vinyl records, or long playing records (LPs);

“Seller” means a person, firm or corporation who sells or otherwise disposes of property to a second-hand dealer but does not include a pawner as defined in this bylaw;

“Town” means the Town of Princeton, or the area governed by it;

“Trade show” means the carrying on of a business to organize a group of more than (5) five merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a period less than (14) fourteen days.

SECTION 3 GENERAL REGULATIONS

3.1. No person shall carry on a business within the Town without first:

- a) Paying the fee for a Business Licence as set out within Schedule F of the current Fees and Charges Bylaw;

The Business Licence Inspector shall determine and distinguish where Basic Business Licence Fees and/or additional Business Licence Fees are payable in accordance with the provisions of Schedule "F".

- b) obtaining a Town Business Licence; or
 - c) being the holder of a valid Inter-community Business Licence.
- 3.2. An application for the initial Licence for a business shall be made on the application form prescribed by the Licence Inspector and shall be signed by an owner or operator of the business or the owner or operator's duly authorized agent. Before issuing a Business Licence, the Licence Inspector shall satisfy himself that:
- a) the proposed business would comply with the Princeton Zoning Bylaw and all other applicable Princeton Bylaws;
 - b) all public authorities having jurisdiction over the carrying on of a particular class of business, or the carrying on of a business from a particular premises, have approved all aspects of the application. Where requested by the Licence Inspector, the applicant shall submit letters or certificates of approval from the appropriate authorities;
 - c) the premises from which the proposed business will operate from are in compliance with all applicable Princeton Bylaws and any outstanding orders issued pursuant to the Fire Services Act.
- 3.3. The Licence Inspector shall refuse to issue a renewal of a Business Licence if the Licence Inspector determines that the business or the business premises are not in compliance with requirements set out under subsection (a), (b) and (c) in Section 3.2
- 3.4. Council considers registered, charitable societies or organizations to be contributing to the general interest and advantage of the Town. Every registered, charitable society or organization is required to hold a valid and subsisting licence and is required to remit payment for the application fee associated with the licence application. However, the production of an approved government non profit or charitable society registration number allows the annual business licence fee to be waived.
- 3.5. A Business Licence issued under this Bylaw is not a representation or acknowledgement by the Town to an applicant or holder of a Business Licence that the proposed Business complies with any or all applicable laws or other enactments.
- 3.6. Any person carrying on more than one business shall obtain and pay for a separate Business Licence for each and every business.
- 3.7. Every person issued a licence to carry on a resident business shall keep the Licence posted in a conspicuous place on the business premises named in the licence.

- 3.8. A Licence authorizes only the person named in the Licence to carry on only the business described in the Licence, and only at the premises or locations described in the Licence.
- 3.9. A Licence Inspector may grant a business licence when satisfied that the applicant has complied with the requirements of the bylaws of the Town.
- 3.10. A Licence Inspector of the Town may enter, at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.
- 3.11. A Licence Inspector may refuse or suspend a licence for reasonable cause, including where a Licencee:
 - a) has failed to comply with a term or condition of the Licence;
 - b) the Licencee's premises ceases to comply with a bylaw regulating building, land use, health, fire, environmental or business issues; or
 - c) is convicted of an offence under an Act or bylaw in respect of the business for which the licence has been issued or with respect to the premises named in the Licence.
- 3.12. Where an applicant has been refused a licence, or a licence is suspended in accordance with this bylaw, the applicant may appeal the decision to Council. The Licence Inspector must notify the applicant or the Licencee affected by the decision of their right to have the matter reconsidered by Council. On appeal, Council may confirm or set aside the refusal or suspension on any terms it may think fit.
- 3.13. Any person proposing to obtain a transfer of Licence with respect to a change of premises shall make application to the licence inspector and the powers, conditions, requirements, and procedures relating to the initial licence application apply, except as to fees.
- 3.14. Every holder of a licence shall notify the licence inspector of any change in the mailing and/or business address, the classification of the business, area of premises, or any alteration to the premises in which the business is carried out, and upon termination of the carrying on of business by the Licence Holder, he or she shall notify the Licence Inspector that the licence is no longer required and shall surrender the licence to the Licence Inspector.
- 3.15. No person shall offer for sale any goods or merchandise on a highway within the boundaries of the Town except as provided elsewhere in this bylaw.

SECTION 4 LICENCE FEES AND LICENCE PERIOD

- 4.1. Except as hereinafter provided, licences issued hereunder shall be annual licences for the period January 1st to December 31st in each and every year, and no proportionate reduction shall be made on account of any person commencing or ceasing to do business at any particular time, PROVIDED HOWEVER that the Licence fee prescribed shall be reduced by one-half in

respect of a person who becomes liable to be licenced after the first day of October in the year of application.

- 4.2. The period for a licence with respect to a craft fair, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be one day.
- 4.3. If a Licencee continues to carry on business within the Town and does not renew and pay for its licence prior to January 31st of each year, a late payment fee will be applied as provided for in the Fees and Charges Bylaw.
- 4.4. **PROMPT PAYMENT DISCOUNT** The licence fee to be paid by a person for the renewal of a Resident business or Home Based licence for a particular year, excluding a Seasonal or Temporary Licence, shall be reduced by \$10.00 if the licence fee is paid on or before the discount date set for that year.

SECTION 5 CIRCUSES AND CARNIVALS

- 5.1. No licence shall be issued to any person for the purpose of holding an exhibition, circus or carnival, using ferris wheels, merry go rounds, or other similar rides until such person has filed with the Licence Inspector, evidence of his holding a Comprehensive Liability Policy of insurance for Five Million Dollars (\$5,000,000.00) inclusive limits covering bodily injury, death, and property damage including loss of use thereof. The insurance shall name the Town as an additional insured. All rides must be certified under the *Provincial Safety Standards Act*.

SECTION 6 SECOND HAND STORES AND PAWNSHOPS

- 6.1. Each secondhand dealer and pawnbroker must establish and maintain a record, to be called the "Secondhand Dealers and Pawnbrokers Register", of all property, other than recyclable beverage containers, purchased by the dealer or taken in pawn by the pawnbroker.
- 6.2. Each secondhand dealer and pawnbroker, immediately after the purchase or taking in pawn of any property, must set out in the register in the English language, a record of the purchase or pawn in chronological order by date or purchase. The record must include:
 - a) the name, residence or street address, of the seller from whom the secondhand dealer or any employee of the dealer, purchased the property, or of the pawner from whom the pawnbroker or any employee of the pawnbroker, took the property in pawn;
 - b) confirmation of the identity of the seller or pawner by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
 - c) a complete description of the property including the make, model and serial number;

- d) the type of purchase as described in the definition of "purchase", or the type of acquisition, being a pawn;
 - e) the price paid for the property or the amount paid for the property in pawn;
 - f) the precise date and hour of purchasing the property or taking the property in pawn;
 - g) identifiable or distinguishing marks on the property; and
 - h) where the pawnbroker or secondhand dealer has taken in pawn or purchased a new item or an item in its retail packaging, an indication that the item was new or in its retail packaging.
- 6.3. Each secondhand dealer or pawnbroker must:
- a) maintain the register electronically in a form approved by the Officer in Charge;
 - b) record all information in the register electronically;
 - c) transmit to the Officer in Charge electronically, to a specified database via the Internet and using a site licence and password provided by the Officer in Charge, information pertaining to the identification of property purchased by the dealer or taken in pawn by the pawnbroker, immediately after the purchase or the pawn occurs;
 - d) when requested by a Licence Inspector, print out a hard copy of all electronic and manual information recorded during the course of the day;
 - e) whenever the secondhand dealer or pawnbroker is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register in a form acceptable to the office in Charge, until electronic recording is again available so that no gap in the secondhand dealer or pawnbroker record keeping or reporting will exist.
 - f) if the dealer or pawnbroker is unable, for any reason, to record or transmit the entries electronically, once electronic recording and transmitting are again available, immediately transmit to the Officer in Charge, electronic entries for all purchases or pawns made by the dealer or pawnbroker and not previously recorded or transmitted.
- 6.4. A secondhand dealer or pawnbroker must not amend, obliterate or erase any entry in the register, either wholly or partially or electronically or manually.
- 6.5. Each secondhand dealer or pawnbroker, during business hours on business days, must make the register available for inspection by the Officer in Charge, any police force member, any person designated by the Officer in Charge, the Director, or any person authorized to inspect on the Director's behalf.
- 6.6. Each secondhand dealer or pawnbroker must:
- a) keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;

- b) keep within the Province of British Columbia, the register for seven years after the date of the last entry; and
 - c) if the secondhand dealer or pawnbroker sells, leases, or otherwise disposes of the dealer's or pawnbroker's business to any person, transfer possession of the whole register to such person.
- 6.7. A pawnbroker must not carry on the business of buying or selling or the taking in pawn of any property except at the premises designated in the pawnbroker's Licence.
- 6.8. A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day.
- 6.9. A secondhand dealer or pawnbroker must not purchase or take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 6.10. A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person under the age of 19 years.
- 6.11. Each secondhand dealer or pawnbroker, on demand by the Officer in Charge or any police force member during business days, must permit the Officer in Charge, any police force member, or any person designated by the Officer in Charge or by a police force member to inspect:
- a) any property in the secondhand dealer's or pawnbroker's premises;
 - b) the secondhand dealer's or pawnbroker's premises.
- 6.12. Each secondhand dealer or pawnbroker must paint and maintain the secondhand dealer's or pawnbroker's name and address plainly and visibly in English lettering on the front of the secondhand dealer's or pawnbroker's premises and on both sides of any vehicle or vessel used in carrying on the dealer's or pawnbroker's business.
- 6.13. Each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must clearly and individually tag by date of purchase or pawn of the item of property and must maintain the tag on the property until disposed of.
- 6.14. During the applicable period of time set out in Section 6.15, each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must:
- a) clearly and individually tag by date of purchase or pawn, and clearly and physically separate from other property in the secondhand dealer's or pawnbroker's premises, the item of property;
 - b) not repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property; and

- c) not suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property.
- 6.15. Each secondhand dealer or pawnbroker must comply with the requirements of sub section 6.14, with respect to each item of property the dealer or pawnbroker purchases or takes in pawn, for the longer of:
- a) 30 calendar days after the date a secondhand dealer or pawnbroker who maintains an electronic register purchases or takes in pawn the item of the property;
 - b) the number of days of which the Officer in Charge or any police force member advises the secondhand dealer or pawnbroker, which must not exceed 90 days after the date the secondhand dealer or pawnbroker purchases or takes in pawn the property.
- 6.16. If a junk dealer, before expiry of the applicable time period under Section 6.15 wishes to sell or dispose of any property, the junk dealer may deliver a written request to the Officer in Charge who may waive in writing the dealer's obligation to comply with the applicable time period on such conditions as the Officer in Charge considers advisable.
- 6.17. A secondhand dealer who is also a pawnbroker must clearly and physically separate all property purchased as a secondhand dealer from property taken in pawn and must clearly and individually tag each item of property to indicate date of purchase and whether the dealer purchased such item or took it in pawn.
- 6.18. Every person or individual carrying on the business of a pawnbroker or secondhand dealer shall supply the Licence Inspector and the Officer in Charge with the full name, date of birth, current address, and description of every individual proposed to be employed prior to their employment, and every individual engaged in the management, or control of the said business.
- 6.19. Every holder of a business Licence for a pawnbroker or secondhand dealer shall notify the Licence Inspector and Officer in Charge of any changes in the persons engaged in or employed in the said business during the business Licence period by supplying the information listed in Section 6.18 of this bylaw with respect to those persons.
- 6.20. Each secondhand dealer or pawnbroker must not purchase or take in pawn, hold or sell, any item of property in or with retail packaging unless the seller or pawner provides the dealer or pawnbroker with a sales receipt and the dealer or pawnbroker must retain the sales receipt for a period of one year beyond the date that the property is disposed of.
- 6.21. A person commits an offence by recording or supplying false or misleading information:
- a) in the Register; or
 - b) in any transmission to the specified database under sub Section 6.3 c).

SECTION 7 PASSENGER TRANSPORTATION VEHICLES

- 7.1. No person shall operate, or permit to be operated, in the Town of Princeton, a commercial passenger vehicle unless such commercial passenger vehicle is duly licenced under the provisions of *the British Columbia Passenger Transportation Act* (Act) and Passenger Transportation Regulation (Regulation).
- 7.2. It is unlawful for any persons to operate a commercial passenger vehicle in the Town of Princeton without being in possession of a valid and subsisting business licence issued pursuant to the Town of Princeton Business Licence Bylaw.

SECTION 8 FARMERS MARKETS AND FLEA MARKETS

- 8.1. A Business Licence for Farmers Markets or Flea Markets may be issued to a single organization and cover all vendors within the market that the organization identifies as a member.

SECTION 9 BUSINESS LICENCE USE TYPES

- 9.1. Applicants and licencees in respect of the following businesses shall be responsible for paying the licence fees prescribed in the current *Fees & Charges Bylaw*.
 - a) Resident Business
 - b) Home Based Business
 - c) Farmers/Crafters Markets
 - d) Non-Resident Business
 - e) Seasonal Licence
 - f) Special Events; includes Circuses, Carnivals, Music Festivals and Trade Shows

SECTION 10 OFFENCES AND PENALTIES

- 10.1. Every person who violates any provision of this Bylaw, or who suffers or permits any act to be done in violation of any provision of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine not less than \$250 and not more than \$10,000.
- 10.2. Each day that a violation exists or is permitted to exist is deemed to be a separate offence against this Bylaw.
- 10.3. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the Community Charter.
- 10.4. Pursuant to Section 264(1)(b) of the Community Charter, the Town Administrator, the Town's Bylaw Enforcement Officers, and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw.

- 10.5. Pursuant to Section 264(1)(c) of the Community Charter, the words or expression in Column 1 of Schedule "A" to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.
- 10.6. Pursuant to Section 265(1)(a) of the Community Charter, the fine amount in Column 3 of Schedule "A" to this Bylaw is the fine amount that corresponds to the words or expression and section number set out in Columns 1 and 2 opposite the fine amount.
- 10.7. Council hereby delegates to the Town's Chief Administrative Officer the authority to refer any disputed tickets to the Provincial Court.

SECTION 11 SEVERABILITY

- 11.1. If a court of competent jurisdiction finds any part, section or subsection of this Bylaw to be invalid or unenforceable, the impugned part, section or subsection shall be severed from the remainder of the Bylaw and the remainder of the Bylaw shall remain valid and in force.

Town of Princeton Business Bylaw No. 555, 1991 as amended, is hereby repealed.

Read for the First time this 18th day of January, 2016.

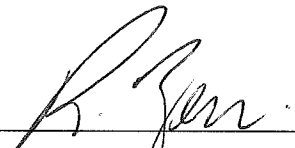
Read for the Second time this 18th day of January, 2016.

Read for the Third time this 7th day of March, 2016.

ADOPTED the 11th day of March 2016.



Mayor Frank Armitage



CAO Rick Zerr

**SCHEDULE A
FINE SCHEDULE**

Description of Offence	Section #	Amount of Fine
Operating without a Business Licence	3.1	\$100.00
Business Licence not posted	3.7	\$100.00
Obstruct a Licence Inspector	3.10	\$200.00
Change in type of business	3.14	\$100.00
Failure to maintain pawnshop register	6.1	\$100.00
Failure to make pawnshop register available for inspection	6.5	\$100.00