

VILLAGE OF HAINES JUNCTION

Public Safety and Community Regulation
Bylaw No. 105-96

Municipal Business License Bylaw



Bylaw No. 105-96

A Bylaw to provide for the municipal licensing of certain businesses carried on within the municipal boundaries of Haines Junction

WHEREAS Section 276 of the Municipal Act provides that Council may by bylaw license and regulate business carried on or operated within the Village;

NOW THEREFORE the Council of the Municipality of the Village of Haines Junction in open meeting assembled, hereby enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the “Municipal Business License Bylaw.”

DEFINITIONS

2. In this bylaw, unless the context otherwise requires,

‘**Apartment**’ means any building or portion thereof containing three or more self-contained dwelling units, each of which is occupied or intended to be occupied for living and sleeping purposed by one or more persons;

‘**Arcade**’ means a commercial entertainment service where the principal business function is providing video, pinball or computer games for use by the general public on the premises.

‘**Automobile dealer**’ includes a service station or garage proprietor who buys, sells, or deals in new or used motor vehicles of any description, and includes any other person who in any one year sells or deals in more than three new or used motor vehicles of any description.

‘**Automobile Wrecking**’ means a facility where used motor vehicles and commercial equipment are dismantled for parts and includes the storage of such vehicles, equipment and parts and a facility for the sale of such vehicles, equipment and parts.

‘**Bake Shop**’ means a facility where bread, pies, cakes and other bakery goods are produced for wholesale to retail outlets where such products are sold.

‘**Bakery**’ means a factory for producing or baking bread, cakes, pies or any other bakery product, but does not include a restaurant or other premises where any such product is made for consumption on the premises.

‘Beauty Salon’ includes tanning salon, skin care, manicure, pedicure, hair removal and other similar beauty aids and treatments but does not include haircutting or styling.

‘Bed and Breakfast’ means an owner-occupied residence with up to two (2) guest rooms (minimum per room is ten (10) square meters) are used for temporary overnight accommodation of the traveling public which may include limited food service to the guests.

‘Broker’ means any person dealing in stocks, bonds and securities, or acting as intermediary for persons dealing in the same, or who holds himself out either by sign, advertisement or otherwise as being a dealer in stocks, bonds or securities.

‘Business’ means any business, commerce or industry for the purpose of furnishing goods or services.

‘Business Services’ includes secretarial, computer, telephone answering service, copying, transcribing and bookkeeping.

‘Campground and/or Seasonal Trailer or R.V. Park’ means any area or tract of land used to accommodate recreational vehicles on fully serviced sites for a temporary period and may include such services as a small convenience store, craft and gift shops, laundry facilities, recreation buildings, gas bar, wash bay, and accessory office space.

‘Carnival or Circus’ means a business where a collection of side shows, riding devices on which a number of people may ride at any one time, trained animal shows, tight rope walking, high wire displays, aerial acts, waxworks or games of chance or any combination of these operating at the same event and includes any event advertised as a circus.

‘Carry on or Operate a Business’ includes the action of any person or business 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.

‘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:

- (a) A religious society or organization.
- (b) A service club.
- (c) A community, veteran’s or youth organization.
- (d) A social, sport or fraternal organization or club.
- (e) An employer’s or employee’s organization.

‘Child’ is as defined in the Child Care Act.

‘Child Care’ includes day care centers and family day homes as defined in the Village of Haines Junction Zoning Bylaw.

‘Consultant’ includes research and report writing.

‘**Council**’ means the Municipal Council of the Village of Haines Junction.

‘**Credit Bureau**’ includes a collection agency.

‘**General Building Contractor**’ means any person engaged in the business of erecting, finishing, flooring, framing, carpentry, altering, adding to or demolishing buildings or structures, but does not include sales of any kind.

‘**Graphic Arts General**’ includes drafting, graphic design, silk screening, sign painting production of advertising and the sale of related items.

‘**Greenhouse/Nursery**’ includes landscaping and the sale of related items.

‘**Hairdresser**’ includes barber and sales of related items.

‘**Handyman General**’ includes general repairs, maintenance and household repairs on site, but does not include janitorial tasks.

‘**Hawker or Peddler**’ means any person who, whether as principal or agent,

- (a) goes from place to place and offers goods, wares or merchandise for sale; or
- (b) offers or exposes for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterwards delivered or shipped into the Village, other than as a mail order business or a wholesale or retail dealer in such merchandise having a permanent place of business in the Village.

‘**Home Occupation**’ means the use of a dwelling for a business, conducted entirely within the confines of the property only by the owner/occupier of the dwelling, as a secondary use to the residential use.

‘**Includes**’ as used in this section does not exclude similar unspecified business functions.

‘**Junk**’ includes all waste, scrap or discarded personal property of every description that may be reused or treated or prepared so as to be used in some form.

‘**Junk Dealer**’ means any person carrying on the business of buying, selling or exchanging junk.

‘**Kennel**’ means any person engaged in the business of breeding, buying, selling or boarding dogs and cats.

‘**Landscaping**’ includes land clearing, planting, maintenance and related sales.

‘**Laundromat**’ includes the business of washing, ironing, starching, or pressing any washable articles or things and also includes coin operated laundry services.

‘**License Inspector**’ means the person appointed from time to time by bylaw or resolution of Council as License Inspector for the Village of Haines Junction.

‘Non-Related Business’ means businesses which would not normally be seen to be of the same complimentary nature or kind in the carrying on of any commercial or industrial undertaking or the providing of professional, personal, or other services.

‘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.

‘Operator’ means a person who owns or operates a business whether or not the business is licensed pursuant to this bylaw.

‘Person’ includes a corporation or partnership.

‘Photographic Studio’ includes sales of photographic, framing and mounting supplies but does not include sales of cameras and accessories.

‘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.

‘Private Security Patrol Service’ means every person who by contract or agreement undertakes to watch or patrol the premises of more than one person for the purpose of guarding or protecting persons or property against robbery, theft, burglary or other hazard.

‘Recreation Facility’ includes a bowling alley or pool hall but does not include an arcade.

‘Refreshment Stand – Fixed’ means a booth or stand which is on wheels or runners or which is not designed to be portable from which snacks or refreshments are sold.

‘Refreshment Stand – Mobile’ means a booth, stand or vehicles which is designed to be portable and includes a tray or container of snacks or refreshments carried by a street vendor.

‘Repair Service’ includes repairs to small items such as appliances, bicycles, lawn mowers, snow blowers, electric motors, and includes the sale of repaired items and includes a sharpening service.

‘Resident Business’ means a business carried on by an individual who is a resident of the Village of Haines Junction and includes businesses that pay property taxes directly to the Village of Haines Junction.

‘Restaurant’ includes premises where meals are prepared and sold to the public to be consumed on premises, but does not include:

- (a) premises wherein only soft drinks or ice cream in its various forms are sold to the public to be consumed on or off the premises; or
- (b) premises such as tents or stalls set up temporarily as restaurants to be used for a period not exceeding seven days in connection with fairs, bazaar and the like.

‘Retail Sales’ includes rentals in all categories except for ‘Mobile’.

‘Retail/Wholesale General’ includes all businesses on the same premises operated by the same applicant’.

‘Retail, Wholesale – Mobile’ includes vehicles which are driven or towed to the sales location but does not include any structure constructed at the sales location. For purposes of this section, portable awnings and/or display tables which are stored at the end of each day’s business are included as part of the mobile outlet.

‘Seasonal Business’ means any business which operates for duration of five months or less.

‘Shop, General’ includes machine shop, manufacturing, sheet metal, welding, fabrication, installation and related sales or rentals.

‘Theatre’ includes any place which is used for the showing of theatrical, operatic or vaudeville performances or moving pictures or television shows or for similar purposes.

‘Tourist Facility’ includes campgrounds, R.V. parks, trailer parks, motels, hotels, boarding and rooming houses and bed and breakfasts.

‘Truck Transport Service’ includes any number of trucks in one business involved in transporting or delivering any goods or material on a scheduled or unscheduled system.

‘Tutor’ includes private or group instruction in any of the following: arts, culture, sports, athletics, exercise, handicrafts, scholastic subjects or general interest areas.

‘Village’ means the Village of Haines Junction.

ADMINISTRATION

3. The Village shall:

- (a) receive and deal with all applications for licenses and transfers thereof;
- (b) keep a record of all applications for licenses and transfers of the licenses;
- (c) keep on file duplicates of all licenses issued;
- (d) ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a license or transfer of license is true in substance and fact;
- (e) prepare and issue all licenses pursuant to the terms of this bylaw;
- (f) as often as necessary, inspect all premises licensed or required to be licensed pursuant to the provisions of this bylaw in order to ascertain that such premises comply with the said provisions; and
- (g) administer this bylaw and, as far as practicable, see that all persons concerned conform to its provisions, and to prosecute persons who fail to comply herewith.

4. No person shall interfere with or obstruct the License Inspector in the performance of any duties.

BUSINESS LICENSE EXEMPTION

5. All businesses shall apply for and obtain a business license except as exempted by this part, as per attached Appendix 'A'.
6. Any charitable organization shall be exempt from the requirement to obtain a business license provided that the proposed business complies with all Village of Haines Junction bylaws, and any other statute or regulation.
7. Any business may exhibit or carry on business at a trade show or convention for a period not exceeding ten (10) consecutive days without a separate business license being required for that location.
8. No business license shall be required for residential garage sales of less than forty-eight (48) hours in duration.
9. No business license shall be required for the sale of a limited number of homemade, souvenir, or miscellaneous type items at a 'flea market' or 'bazaar'.
10. This bylaw 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.
11. Any person or firm providing a professional health service in the Village on an intermittent basis shall be exempt from licensing requirements under this bylaw.
12. No license shall be required with respect to:
 - (a) vending machines which serve or vend only products produced by the owner of the vending machine or his employees;
 - (b) coin operated washers, dryers or other laundry equipment provided by the owner of any apartment, boarding house or rooming house or tourist facility for the exclusive use by the residents thereof; or
 - (c) coin operated vehicle washing equipment provided for the exclusive use of residents at a tourist facility.

NECESSITY FOR LICENSE

13. No person shall carry on or operate any business within, or partly within the Village, without first
 - (a) having obtained a business license and paid the license fee prescribed herein; and

- (b) being a business with a principal address other than within the Village of Haines Junction but within Yukon Government having obtained an Intermunicipal business license and paid the fee prescribed.
14. Every person carrying on a business not specifically set forth in Appendix 'B', attached hereto shall pay the fee prescribed in the said Appendix 'B' for any business not otherwise classified.
- (a) Every license issued pursuant to this bylaw shall be valid only in respect of the person to whom the said license is issued;
 - (b) Every license issued pursuant to this bylaw shall be valid only in respect of the address of the business stipulated thereon; and
 - (c) Where approved in writing by the License Inspector, this subsection does not apply to a period not in excess of seven (7) days for an alternate location for a licensed business operation.
15. Except as provided for in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, any person who carries on or operates more than one business in or from any one premises shall obtain a separate license for each business.
16. For the purpose of this bylaw, where a business is carried on in, or from, more than one premises in the Village, each premises shall be deemed a separate business.
17. Where a person intends to operate a business on premises other than his own, a letter of permission received from the property owner must be submitted to the License Inspector prior to any business license being issued and all other requirements as prescribed herein will apply.

LICENSE FEES

18. 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 the appropriate Schedule of the Consolidated Municipal Fees Bylaw. The fee for a license issued between the 1st day of July and the 31st day of December shall be one half of the fee set out in the appropriate Schedule of the Consolidated Municipal Fees Bylaw, if the business has not operated previously from January to June.
- (a) The non-residential business license fee shall be one and one half (1 ½x) the fee set out in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.
 - (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 bylaw.
19. The seasonal business license fee shall be the fee as set out in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.

20. In addition to all license fees otherwise payable under this bylaw, every person who fails to acquire a business license at the time they are required to do so shall, when such business license is finally issued, pay a penalty of the percentage (%) set out and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw of the applicable license fee for every thirty days or portion thereof during which the business has operated without a valid business license.
21. Item 20 shall not apply with respect to the renewal of any existing business license under this bylaw provided that the renewal license is applied for and the required license fee is paid on or before January 31st of the succeeding year.
22. 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 bylaw.

SPECIAL EVENTS LICENSE

23. 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 does not exceed five (5) days, and the fees shall be as set out in appropriate Schedule of the Consolidated Municipal Fees Bylaw.

DURATION OF LICENSE

24. Every license issued under the provisions of this bylaw shall terminate at midnight on the 31st day of December in any year unless the license has been sooner canceled or forfeited.

CONDITIONAL LICENSES

25. Where the License Inspector issued a license subject to the certain conditions, shall endorse on the license the particulars of such conditions.

LICENSES SUBJECT TO ZONING AND PUBLIC HEALTH

26. All licenses are granted subject to the provisions of any Zoning Bylaw or other Bylaw 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 Bylaw 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 Bylaw, the License Inspector shall forthwith cancel the license and refund the license fee to the applicant.
27. All licenses are granted subject to the provisions of the Health Officer, as defined by Public Health Act, Chapter 136, Statutes of the Yukon, or any person appointed by Council as a Health Officer 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 these provisions.
28. No person shall operate any licensed business contrary to any provision of the Health Officer, as defined by Public Health Act, Chapter 136, Statutes of the Yukon, or any person appointed by Council as a Health Officer.

29. When requested by the License Inspector, an applicant shall provide a written approval signed by the Health Officer, as defined by Public Health Act, Chapter 136, Statutes of the Yukon, or any person appointed by Council as a Health Officer, for the existing or proposed business prior to the issuance or renewal of any license.

POSTING OF LICENSE IN PREMISES

30. Every license issued under this bylaw 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.

TRANSFER OF LICENSE

31. Where a licensee makes application to change their place of business in respect of a valid business license, the License Inspector may, upon the payment of a transfer fee as set out and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw and surrender of the original valid license, issue a replacement license reflecting the address of the new place of business.
32. No replacement license shall be issued in accordance with item 31 above where the premises to which the applicant wishes to transfer the license does not comply with the requirements of any applicable zoning bylaw or the proposed use of those premises would not comply with the requirements of the said bylaw.
33. Where a licensee makes application to transfer their license to another person or to change the name of the business, the License Inspector shall, upon payment of a transfer fee as set out and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw and the surrender of the original valid license, issue a replacement license in the name of the transferee.
34. A transfer of license will only be approved by the License Inspector where the business license is valid as prescribed in item 5, plus any other penalties or fees are not outstanding.

APPEAL WHERE LICENSE REFUSED

35. Any person who has applied for but failed to be granted a license may appeal to Council, and the Council may grant the request for a license.
36. Every such appeal shall be made in writing within thirty days after a license has been refused, otherwise the right of appeal shall be barred and extinguished.
37. The Council will provide a written response to the appellant within fifteen (15) days following Council's decision.

REVOKING OF LICENSE

38. Council may revoke a license for reasonable cause and after giving the licensee an opportunity to be heard.
39. The notice and opportunity to be heard referred to in item 38 is not required in respect of a licensee who by reasonable effort cannot be found.

CIRCUS/CARNIVAL

40. No license shall be issued for a carnival or circus unless the applicant provides proof of liability insurance in the amount of not less than one million dollars (\$1,000,000), covering public liability for all personal injury and property damage which may occur by reason of the operation of the carnival or circus.
41. In any case the Village will not be held responsible for personal injury or property damage cause by way of the license for operation of a carnival or circus.
42. The License Inspector may issue a license at no fee if such carnival or circus is sponsored as a fund-raising function by a charitable or non-charitable profit organization and if the requirements of 40 and 41 above are met.

GOODS OFFERED FOR SALE ON STREETS OR PUBLIC PROPERTY

43. 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.
44. No person shall, unless authorized in advance by a resolution of Council:
 - (a) offer for sale any merchandise or goods on any street, sidewalk, boulevard or other public place; or
 - (b) 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.
45. Subject to subsection (44a) where goods or merchandise are found stored on a street, sidewalk or 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.

PENALTIES

46. Every person who is required by this bylaw 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 summary conviction, at the discretion of the convicting magistrate, of up to the maximum fine allowed under the Summary Conviction Act.

47. Each day that a contravention under item 46 continues under this bylaw shall be deemed a separate offense.

48. Every person who fails to produce a license when required to do so by a License Inspector or any Bylaw Enforcement Officer shall be liable upon summary conviction for a fine as set out and/or noted in the appropriate Schedule of the Consolidated Municipal Fees Bylaw.

REPEAL

49. Bylaw No. 84-95 is hereby repealed.

ENACTMENT

50. This bylaw shall come into full force and effect on the final passing thereof.

APPENDICES

51. Appendix 'A' which may be referred to as the 'Business License Application', is attached to this bylaw, forms part of this bylaw and is read in conjunction with this bylaw.

52. Appendix 'B' which may be referred to as the 'Business License Fee Schedule' is attached to this bylaw, forms part of this bylaw and is read in conjunction with this bylaw.

Read a first time this 13th day of November, 1996.

Read a second time this 11th day of December, 1996.

Approved by the Executive Council Member this 19th day of December, 1996.

Read a third time and finally passed this 30th day of December, 1996.



Mayor Eric Stinson



Municipal Clerk Sheila O'Hanlon



Appendix 'A'
Bylaw No. 105-96, Municipal Business License Bylaw
Business License Application Form

Appendix 'B'
Bylaw No. 105-96, Municipal Business License Bylaw
Business License Classification

Classification	Sub-Classification
Accommodation	Bed & Breakfast
	Boarding/Rooming House
	Motel/Hotel
	Apartment
Accountant	
Agents	Advertising
	Insurance life / general
	Real Estate Agency
	Sales (where not otherwise classified)
	Travel and/or tour operator
Aircraft Servicing and Repair	
Arcade	
Architect	
Artist	
Assay Service	
Automobile	Dealer, new and/or used
	Garage repairs
	Dealer and garage, general
	Painting and body work
	Rental and/or leasing (auto/truck/trailer)
	Towing and/or booster service
	Wash
	Wrecking and/or storage
	Gas and/or diesel sales only
Bakery (wholesale and/or retail) includes Bakeshop	
Bank	
Barrister and Solicitor	
Beauty Salon	
Broadcasting	
Broker Stock and/or investment or securities firm	

Classification	Sub-Classification
Business Services / Bookkeeping	
Campground and/or seasonal trailer or RV Park	
Catering	Food Preparation
	Industrial
Child Care	Family Day Home
	Day Care Center
Chiropractor	
Circus / Carnival	
Cleaner	Dryer, presser, laundry
Credit Bureau/Collection Agency	
Consultant	Financial
	Management
	Tax
	Research/Writing
	Not Classified
Contractor	Building, demolition or moving
	Carpentry (includes cabinet making)
	Concrete, ready mix, blocks, masonry'
	Flooring, (carpeting, lino, tile, floor finishing, sanding)
	Framing
	General Building
	Glass installation
	Handyman, general
	Heating
	Insulation
	Painting, stucco, drywall, siding
	Plumbing
	Refrigeration, air conditioning
	Roofing
	Structural steel erector
	Welding
	Unclassified
Dentist - clinic	
Disc Jockey/Music Person	

Classification	Sub-Classification
Drafting Service	
Dressmaker, seamstress, drapery service (includes sale of items produced under this license)	
Drilling Service	
Electrical Contractor	
Electronic Equipment	Repair and service (not including sales)
Engineering, Civil, Electrical, Mining, etc.	
Finance and/or mortgage and loan company	
Fuel Dealer	Wood only
	General
Funeral Home and/or Undertaker	
Furnace and Oil Burner – Service and repair only	
Geologist, including Geochemical and Geophysical	
Graphic Arts, general	
Greenhouse/Nursery	
Guide (big game) Company	
Hairdresser (barber)	
Hawker and Peddler	
Heavy Equipment – contract services, sales and service	
Home Occupations	
Insurance Adjuster	
Janitorial Contractor	
Junk Dealer	
Kennel (includes boarding of any animals)	
Landscaping	
Laundromat	
Liquor (Licensed Premises)	Club
	Cocktail Lounge
	Tavern
	Other
Locksmith Service and Sales	
Mail Order Service	

Classification	Sub-Classification
Manufacturer	
Mine Operation	
Mobile Home (fee based on spaces in use as of January 1 of the license year)	
Monumental Works and Memorials	
Mover, Furniture (includes storage)	
Musician, Single or Group	
Optometrist and/or Refractionist	
Outdoor Recreation Tours (trail rides/river trips)	
Photographer	Studio
Physician and/or Surgeon or Psychiatrist	
Physiotherapist	
Printer / Publisher	
Private Investigation / Security Patrol	
Public Hall (private or club hall or auditorium)	
Public Utility	Electrical
	Telephone
Recreation Facility	
Refreshment Stand Fixed/Mobile	
Rental Miscellaneous (includes leasing)	
Repair Service and Sales	
Restaurant and/or Dining Room	Without Liquor
	With Liquor Sales
Road Building / Paving	
Sales (includes rentals)	Retail
	Wholesale
	Auction
	Mobile
Secondhand Dealer	
Sign/Manufacturer, service and/or repair	
Sign Painter	
Shop, General	
Special Event	
Surveyor, Land	

Classification	Sub-Classification
Taxidermist	
Theatre, Movie	
Tire Sales and Service	
Transportation Services	Air Service - scheduled
	Air Service - chartered/flying school
	Bus Line, scheduled or chartered
	Pilot Car Service
	Railway
	Taxi Service
	Truck transport service
Tutor	
Upholsterer and/or furniture repair	
Veterinarian	
Vending Machines	Those that vend non-alcoholic beverages, cigarettes, foodstuffs, coin-operated music boxes, coin-operated washing machines and coin-operated clothes dryers and any pinball, shuffleboard or other amusement games:
Video Sales	
Weather observation/communication	
Professions and Occupations not herein classified	
Any business not otherwise classified or specified	