

THE TOWN OF THE CITY OF DAWSON

BYLAW 09-08

A Bylaw providing for the Licensing of businesses within the Town of the City of Dawson.

WHEREAS the Municipal Act (R.S.Y. 2002) section 266 allows council to establish a bylaws to

- a) regulate control or prohibit
- b) deal with and development, activity, industry, business or thing in different ways, divide into classes and deal with each class in a different way
- c) provide a system of licenses, inspections, permits or approvals

WHEREAS the City of Dawson is desirous of continuing a partnership with the business community for the purpose of marketing and promoting the City of Dawson as a community where it is advantageous to do business, and

WHEREAS the Council of the City of Dawson is desirous of developing a strong and vibrant economic development capability in cooperation with the business community, and

WHEREAS the City of Dawson and the business community recognize that all businesses will benefit from the aforesaid services and therefore all businesses should contribute to the cost of providing the aforesaid services, and

1.00 TITLE

1.01 This bylaw may be cited as the "Business License Bylaw"

2.00 INTERPRETATION

for the purpose of this bylaw:

2.01 **BUSINESS** means

- a) a commercial, merchandising, or industrial activity or undertaking,
- b) a profession, trade, occupation, calling or employment, or
- c) an activity providing goods or services or
- d) providing rental property, either for commercial or residential purposes.

2.02 **CARRY ON OR OPERATE A BUSINESS** includes the action of any person providing any business activities including advertising by newspaper or any other means that he is open for business.

2.03 **CHILD CARE SERVICES** means a business providing day care, day camp, child care, play school, or other similar types of services.

2.04 **CITY** means the Town of the City of Dawson, Yukon Territory.

2.05 **COMMERCIAL HAWKER** means any person who, whether as principal or agent:

- a) goes from place to place selling or offering for sale any merchandise or services to any person, or
- b) offers or exposes for sale to any person by any means, merchandise or services which are to be delivered or shipped afterwards into the City.
- c) RSS students or local community organizations fundraising for specific events and/or activities are not considered Commercial Hawkers and are permitted to participate in door to door fundraising activities in residential zones

2.06 **DESIGNATED MUNICIPAL OFFICER** means a person appointed by Council to fulfill specified duties under this Bylaw.

2.07 **INTER-MUNICIPAL BUSINESS LICENSE** means a business license purchased in addition to the standard business license allowing the licensee to conduct business in other participating Yukon communities. Inter-Municipal Business License may be purchased from any AYC municipality participating in program.

- 2.08 **LICENSE INSPECTOR** means any person appointed by the City as a Bylaw Officer.
- 2.09 **STREET VENDOR** means a business carried on by a person from a stand, including a tent, vehicle or trailer, not exceeding an area of one hundred (100) square feet in a location approved by City of Dawson.
- 2.10 In this Bylaw wherever the male gender is specified it shall be interpreted as including both male and female as applicable.

3.00 ACTIVITIES NOT REQUIRING A BUSINESS LICENSE

- 3.01 The following businesses are hereby exempted from requiring a business license:
- a) residential garage sales of less than forty eight (48) hours in duration;
 - b) the sale of a limited number of homemade, souvenir, or miscellaneous type items at community flea markets or bazaar
 - c) the sale of a limited number of miscellaneous or souvenir items provided that such sale occurs in the course of carrying on a business otherwise licensed pursuant to this Bylaw.
 - d) staff housing provided in conjunction with a licensed business.
 - e) vending machines which are installed on premises for which the owner of the machine has a valid business license.
 - f) coin operated washers, dryers, or other laundry equipment provided by the owner of rental accommodation for the exclusive use of the occupants thereof.
 - g) such other businesses as determined appropriate in council's sole and unfettered discretion

4.00 ADMINISTRATION OF BUSINESS LICENSES

- 4.01 The City or designated municipal officer will receive applications, application fee and all related permits or other documentation required to complete the application.
- 4.02 The City shall examine all business license application forms and other information submitted in connection thereto. Based on their analysis and interpretation of the information, the City may refuse to issue a license.
- 4.03 Where a business requires approval to operate from a Yukon Health Officer, as defined by the Public Health and Safety Act (R.S.Y. 2002, c.176), the applicant for a business license may be required to provide written approval of the Yukon Health Officer and shall not issue a license until such proof has been provided.
- 4.04 The City or its authorized agent shall prepare and issue all licenses pursuant to the terms of this Bylaw. The aforementioned license, upon approval shall be delivered by mail to the address on the application form attached hereto as Appendix "B"
- 4.05 Every business shall post their Business License in a conspicuous location within the business premises. Should the business not have a premise the business license shall be presented upon request of the License Inspector.
- 4.06 The City or a designated municipal officer shall keep records of all applications for licenses and other transactions as set out in Section 4.01 above in a form authorized by the City Manager.
- 4.07 At any time a business is open for the purpose of conducting its business the City may inspect all premises licensed or requiring to be licensed to operate in order to ascertain compliance pursuant to the provisions of this bylaw.
- 4.08 No person shall interfere with or obstruct a License Inspector in the performance of duties being performed pursuant to this Bylaw.

5.00 General License Conditions

- 5.01 No person shall carry on or operate any business within or partly within the City without first having obtained a business license, unless that person is exempted by this Bylaw or Council.
- 5.02 Every person required to obtain a business license shall pay the fee prescribed in the "Fee Schedule" attached hereto as "Appendix "A" and forming part of this bylaw of this Bylaw.
- 5.03 Every business purchasing an Inter Municipal Business License will pay the fee as set by AYC Amended Inter-Municipal Business license Agreement December 1997, which may be amended from time to time by AYC.
- 5.04 No license shall be issued until said fee ~~or~~ and any previous fee or penalties levied pursuant to this Bylaw are paid.
- 5.05 Any fee left owing at December 31 of any year in which a business has operated will be applied to the property tax account associated with the business location.
- 5.06 Business license fees are non-refundable, saving fees paid for a license that is not approved. If the application is not approved you will be refunded the full amount paid less 15% administration fee.
- 5.07 Business License fees will be prorated if purchased after April 30th for a new business only.
- 5.08 The fee for replacement or reissue of any business license shall be as set in the "Fee Schedule"
- 5.09 Every license issued pursuant to this Bylaw shall expire at midnight on the 31st day of March in any given year, except Inter Municipal Business Licenses which expire on the 31st day of December, unless the license has been cancelled or revoked prior to that day.
- 5.10 Any business license issued pursuant to this bylaw is non-transferable. The business license is valid only in the business owner's name in which the license was issued and the business address for which the license was issued.
- 5.11 The License Inspector is hereby authorized to provide, in writing, an exemption from Section 5.09 of this Bylaw for a period not exceeding seven (7) days where an emergency occurs which requires a business to temporarily or permanently relocate.
- 5.12 If more than one business is carried out within a single premise a separate business license is required for each business¹.
- 5.13 If one business is operated at more than one location within or partially within the City, each premise or location requires a separate business license. Hotels/Motels that operate annexes or outbuildings as a part of a larger licensed premise are exempt from this section.
- 5.14 The holder of a business license must at all times be in compliance will all Federal and Territorial laws and regulations and City bylaws pertaining to their operation.
- 5.15 The issuance of a business license shall not be deemed as approval to carry on or operate a business in or from any premise or location in contravention of any federal or territorial law or regulation or any municipal bylaw or regulation.

6.00 Special Conditions

¹ To determine if a separate license is required the following example may be used; Food service within an accommodation business that is only accessible to guests does not require a separate license, if the food service is open and accessible to the public as well a second business license will be required.

- 6.01 Any business providing food and/or beverage services must provide proof of approval of a Health Officer, as defined by the Public Health Act, (RSY 2002) chapter 176.
- 6.02 Every application for a business license for private investigators or private patrol agencies shall be accompanied by information satisfactory to the City with respect to the character, criminal record if any, and general reputation of the applicant or applicants. A License Inspector may conduct a criminal records check of the applicant or applicants and, where he is not satisfied that the reputation of the applicant/s meets community standards for the type of business proposed, may refuse on this or any other grounds to issue a license.
- 6.03 Every application for a business license for any child-care service must be accompanied by proof of approval to operate by the Yukon Territorial Government.
- 6.04 Except in the case of a street vendor licensed under this Bylaw, no person or business shall store or accumulate goods or merchandise which are offered for sale or intended to be offered for sale on any street, sidewalk, boulevard or other public property unless authorized in advance by resolution of Council.
- 6.05 Where goods not approved in accordance with Section 6.04 of this Bylaw are found on a street, sidewalk, boulevard or other public property, a 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.
- 6.06 Every application for a business license for a home-based construction contractor must be accompanied by payment of Waste Management fee as prescribed in "Appendix A"
- 6.07 Every person conducting business in the City of Dawson under an Inter-Municipal Business License must abide by all rules set forth in this bylaw.

7.00 Street Vendors

- 7.01 Unless approved by City of Dawson resolution street vendors are restricted to the City of Dawson vendor stalls.
- 7.02 In addition to a current and approved business license street vendors must apply and pay for a vendor stall on a first come first served basis.
- 7.03 Vendor Stall rates shall be paid as prescribed in the "Fee Schedule" ,Appendix A attached hereto and forming part of this bylaw.
- 7.04 Vendor Stalls shall not shall not be occupied between the hours of 11:59PM and 7:00AM. All property and vehicles must be removed during these hours unless Council approves otherwise.
- 7.05 Non profit organizations may purchase a vendor stall at the same rates set in the "Fee Schedule" for the use of its membership and its members may share the stall. Each vendor within the stall must hold a valid City of Dawson Business License and provide proof of membership within the organization renting the stall.
- 7.06 In accordance with section 7.05 street vendors must display their business license and stall rental form in public view when they are in operation.
- 7.07 Mobile refreshment stands are permitted to sell concession type food in non-residential zoned areas as outlined in City of Dawson Zoning and Historical Control Bylaw and amendments thereto.
- 7.08 Mobile refreshment stands are required to present written approval of the property owner on which they wish to locate their stand and proof of current Environmental Health approval.

- 7.09 Should a mobile refreshment stand wish to locate on City of Dawson owned property, the vendor must request and receive permission form CAO.
- 7.10 Mobile refreshment stands will be limited to 1 per 1-block radius and licenses will be approved on a first come first served basis upon meeting all requirements and may operate only between the hours of 9:00 PM and 5:00 AM.
- 7.11 Each application for a mobile refreshment stand must be accompanied by payment of Mobile Refreshment Waste Management Fee as set in Appendix "A"
- 7.12 Mobile refreshment stands must reflect the heritage standards of the community and will be required to receive approval for their apparatus from Community Development Officer.
- 7.13 Commercial Hawkers are not permitted to operate in any area identified as residential in the City of Dawson Zoning and Historical Control Bylaw (97-25 and amendments thereto).

8.00 SUSPENSION AND REVOCATION OF A LICENSE

- 8.01 A License Inspector may suspend or revoke a business license anytime where a license holder is contravening any of the aforesaid Federal or Territorial laws or regulations or Municipal bylaw or regulations or where in the opinion of the License Inspector there is just and reasonable cause to do so. The License Inspector shall attempt to inform the license holder verbally of the suspension or revocation but in any event shall mail written notice of the suspension or revocation to the license holder as soon as is reasonably possible.
- 8.02 Any construction contractor who proceeds with any construction without a City of Dawson Development Permit for the project will have his business license suspended until such time the permit is obtained
- 8.03 Where a license has been suspended, the suspension shall be for such period of time as is necessary to bring the license holder into compliance with laws, bylaws or regulations or to rectify the grounds for the suspension as the case may be. In no event will the suspension be for longer than the unexpired term of the license.
- 8.04 Where a License Inspector suspends or revokes a business license, the suspension or revocation will commence immediately.

9.00 APPEAL

- 9.01 Any person who has been refused a business license and any license holder whose license has been refused suspended or revoked may appeal in writing within thirty (30) days of the date of refusal, revocation or suspension to Council
- 9.02 Council shall commence a hearing of the appeal within fourteen (14) days of receipt of the appeal. This hearing may be adjourned for a period not to exceed ten (10) days to provide time to gather necessary additional information. Such suspension of hearing shall not be unreasonably made. Where the Council fails to re-convene the hearing within ten (10) days, the appeal shall be deemed to have been decided in favour of the appellant.
- 9.03 Council shall make a decision on the appeal within ten (10) days of concluding the hearing of the appeal and shall inform the appellant of its decision in writing. Should the Council fail to make a decision within ten (10) days of the conclusion of the hearing, the appeal will be deemed to have been decided in favour of the appellant.
- 9.04 Written notice of any refusal, suspension, revocation or decision on an appeal under this Bylaw will be deemed to have been delivered to the applicant or license holder 7 days after it is posted by registered mail from the City to the address of the applicant or license holder as set out on the license application form.

10.00 Penalties

- 10.01 Every person who operates a business in contravention of this Bylaw commits an offense and is liable upon summary conviction to a minimum fine of five hundred dollars (\$500.00) or, such amount as permitted under the Summary Conviction Act.
- 10.02 Each day that a contravention of this Bylaw occurs or continues shall be deemed to be a separate offense.
- 10.03 Every person who fails to produce a license when required to do so by a License Inspector shall be liable upon summary conviction to a fine of fifty dollars (\$50.00)

11.00 ENACTMENT

- 11.01 The provisions of this Bylaw shall come into full force and effect on the final passing thereof.

12.00 APPENDICES

- 13.01 Appendices attached to and referred to in this Bylaw form part of this Bylaw and are to be read in conjunction with this Bylaw.

13.00 REPEAL

- 13.01 Bylaw 99-02 and amendments thereto are hereby repealed

Read a FIRST time this 24th day of February, 2009

Read a SECOND time this 3rd day of March, 2009.

Read a THIRD and FINAL time this 17th day of March, 2009.

Originals Signed by

John Steins,
Mayor

Eldo Enns,
CAO

THE TOWN OF THE CITY OF DAWSON

Bylaw 09-02

Appendix "A"

Fee Schedule

Fee Type	Cost
Business License Fee	100.00
Each Additional Business	50.00
Re-Issue License	25.00
Copy of Business License	5.00
Vendor Stalls	Per day 20.00
Waste Management Fee	150.00
Mobile Refreshment Stand Waste Management Fee	75.00



**Business License Application
Appendix B**
Box 308 • Dawson City • YT • Y0B 1G0
Phone (867) 993-7400 Fax (867) 993-7434



<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input type="checkbox"/> Change of Ownership	<input type="checkbox"/> Change of Location
Application Date		Business Name	
Business Owner / Operator Name		Street Address:	
Phone Number:		Phone Number:	
Mailing Address:		Mailing Address:	
		GST Number	
Lot _____ Block _____		Will you be operating your business in other Yukon Communities? <input type="checkbox"/> No <input type="checkbox"/> Yes You may wish to purchase an Inter-Municipal Business License for participating Yukon Communities	
Subdivision _____			
Is this location Owned <input type="checkbox"/> Leased <input type="checkbox"/>		Would you like your business & contact information included on City of Dawson Web-site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Property Owner Information		Email Address	
Name:		Web Address	
Mailing Address:		Description of Business	
		Number of Off-Street Parking Spaces	
Telephone Number		Winter Contact Name	Winter Contact Ph#
Type of Business (check all that apply and provide the information required)			
<input type="checkbox"/> Retail		<input type="checkbox"/> Licensed Premises	
<input type="checkbox"/> Wholesale		<input type="checkbox"/> Home Based _____ (#visits/day)	
		<input type="checkbox"/> Bed & Breakfast _____ (# of rooms)	
		<input type="checkbox"/> Accommodations _____ (# rooms/units)	
Please answer the following questions			
Are you renovating or altering the premises in any way?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, City of Dawson Development Permit is required	
Will there be any new signage?		<input type="checkbox"/> Yes <input type="checkbox"/> No if yes, City of Dawson Development permit is required	
Will there be food preparation or handling on this premise?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, YG Environmental Health approval is required	
Does this business provide child care services?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, YG Child Care Services approval is require	
Does this business provide private investigator or patrol services?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, additional requirements of Business License bylaw must be met	
Is this application for a Taxi Business License?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, requirements of City of Dawson Taxi Bylaw must be met prior to license being issued	
Is this application for a home based construction Business?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Waste Management fee must be remitted prior to license being issued	
Is this application for a street vendor permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, street vendor requirements of City of Dawson Business license bylaw must be met	
Is this application for a mobile refreshment stand?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Mobile Refreshment Stand Waste Management fee must be remitted prior to license being issued	
I hereby make application for a business license and declare that the above statements are true and correct. I understand that if I am granted the license applied for I will be required to comply with all with of Dawson Bylaws			
SIGNATURE OF OWNER OR AUTHORIZED AGENT:		DATE:	

OFFICE USE ONLY					
ZONE:	USE:	PERMITTED <input type="checkbox"/> DISC. USE <input type="checkbox"/> NOT PERMITTED <input type="checkbox"/>	FEE:	Lic#	
DEPARTMENT	APPROVED	NOT APPROVED	DATE	COMMENTS	
Planning					
Bylaw					
City Manager					
			Date License Mailed	Initials	