

THE TOWN OF THE CITY OF DAWSON
BUSINESS LICENSING AND REGULATING
BYLAW #11-04

A Bylaw to Regulate and License Businesses.

WHEREAS section 266 of the *Municipal Act*, (RSY 2002), c. 154 authorizes council to regulate and license business activities,

NOW THEREFORE, The Council of the Town of the City of Dawson, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the "**BUSINESS LICENSING AND REGULATING BYLAW**".

2. DEFINITIONS

- 1) The interpretations, references, and definitions of words and phrases of the *Interpretation Act*, (RSY 2002), c. 125 shall apply to this bylaw.
- 2) The definitions of the *Municipal Act*, (RSY 2002), c. 154 shall apply to this bylaw.
- 3) "Craft Sale and Flea Market" means the occasional sale of crafts and trinkets.
- 4) "Garden Market" means a market for locally or regionally grown produce and sold under the auspices of the Yukon Farmers Market organization.
- 5) "Gift Shop" means a business offering for sale gifts and souvenirs, which may include crafts and trinkets, from a permanent or seasonal location,
- 6) "Hawker" means a person other than a Street Vendor who
 - a) goes from place to place and offers goods, wares or merchandise for sale, or
 - b) sets up tables, carts, mobile displays or any other temporary structure to offer or expose for sale to any person goods, wares, or merchandise, or
 - c) offers or exposes for sale to any person by means of samples or merchandise to be afterwards delivered or shipped into the municipality, other than as a mail order business or a wholesale or retail dealer in such merchandise having a permanent place of business in the municipality.
- 7) "Street Vendor" means a business operating from a tent, vehicle, or booth with an area not exceeding ten square meters (10 m²) set up at a location approved by the municipality.

3. APPLICATION

- 1) This Bylaw applies to all businesses with the exception of garage sales and fund-raising activities undertaken by school and community organizations.

- 2) The Garden Market license is an umbrella license restricted to one Garden Market site designated by the municipality at which location any person associated with and authorized by the Yukon Farmers Market organization may conduct business.

4. BUSINESS LICENSING

- 1) Business may not be conducted in the municipality unless:
 - a) the business has been issued a license pursuant to this bylaw, and
 - b) the license is prominently displayed on the business premises.
- 2) A business or business activity that is subject to a federal or territorial license or permit, including but not limited to the sale of alcoholic beverages and the sale of such foods as are subject to a Permit to Operate issued by Yukon Health Services, shall first procure such license or permit and attach a copy thereof to the application for a business license.
- 3) The municipality is a signatory to the Association of Yukon Communities' Inter-Municipal Business Licence Agreement. Any business holding a valid license issued pursuant to that agreement, except a business of the Hawker and Street Vendor kind as defined in this Bylaw, shall be deemed to be licensed pursuant to this Bylaw.
- 4) Hawker businesses, as defined in this Bylaw, are not permitted in the municipality.
- 5) Business licenses issues in 2011 shall be valid from the date of issue to March 31, 2012, and all licenses issued thereafter shall be valid until December 31 of the same year.
- 6) Persons conducting separate businesses in or from more than one property shall require a separate license for each property in or from which business is being conducted.
- 7) Business licenses shall not be transferred from one business to another, but may be transferred from one location to another in the event a business is being relocated.
- 8) The form of a business license shall be as prescribed in Appendix A.
- 9) The form of a business license application shall be as prescribed in Appendix B.

5. STREET VENDING

- 1) The number of street vending licenses issued in each year shall be limited to three, and the locations at which Street Vendors may conduct their business shall be restricted to a commercial zone as specified by the municipality.
- 2) A holder of a Street Vendor license shall have a first right of refusal to renew the license for a period of sixty (60) days following the expiry of the license.
- 3) A Street Vendor license that has not been renewed pursuant to this section may be offered for sale by the municipality on a first-come-first-serve basis.

- 4) Street Vendor business operations shall be limited to the period from 7:00 AM to 3:00 AM, seven days per week.
- 5) The holder of a Street Vendor business license shall ensure that:
 - a) that street vending activities are restricted to the period authorized in this Bylaw, and
 - b) that the area at which the business operates is at all times kept clean and free of litter.
- 6) The municipality's chief administrative officer shall:
 - a) issue a formal written warning to the holder of a Street Vendor business license in the event that the street vending operation fails to comply with either the time or cleanliness requirements of this Bylaw, and
 - b) suspend a Street Vendor business license for the balance of the licensing year if the holder fails to comply in full with the instructions provided by the municipality in the formal written notice issued pursuant to this section.
- 7) A street vendor operating from a street or municipal property may only do so at such location as the municipality's chief administrative officer may authorize.
- 8) A Street Vendor authorized by the municipality's chief administrative officer to operate the business on a street or on municipal property shall, prior to the issue of a business license, provide verifiable confirmation of having purchased liability insurance in an amount of not less than one million dollars (\$1,000,000), and with the City of Dawson listed as an additional named insured.

6. CRAFT SALES AND FLEA MARKETS

- 1) A Dawson City-based not-for-profit organization, including but not limited to the organizations listed in this section, operating a craft sale or flea market business shall require a license issued under this Bylaw for such business, but the organization may apply, in writing to Council, for the license fee to be waived.
 - a) Dawson City Museum Society,
 - b) Dawson City Arts Society,
 - c) Yukon College,
 - d) School of Visual Arts, and
 - e) Robert Service School.
- 2) Notwithstanding section 6.1), when an organization:
 - a) offers for sale food of a kind or in a manner controlled by the Yukon Department of Health, the organization shall acquire a municipal business license in addition to the Department of Health authorization for the sale of such food;
 - b) operates a gift shop, the organization shall acquire a municipal business license for the operation of the gift shop.

7. FEES

- 1) Except as otherwise specified, the basic business license fee is \$100.00.

- 3) The fee for each additional license required by an owner is \$50.00.
- 4) All business licences purchased in 2011 will have an expiry date of March 31, 2012.
- 5) For the year 2012 only, current business license holders having an expiry date of March 31, 2012, shall pay a prorated renewal fee of seventy-five percent (75%) of the amount listed.

8. ENACTMENT

- 1)
 - a) Bylaw #09-08 shall be repealed on March 31, 2011.
 - b) No new Business License shall be issued under the authority of Bylaw #09-08 following the adoption of this Bylaw.
- 2) This bylaw shall take effect on final adoption.

Read a first time this 23rd day of February, 2011.

Read a second time this 9th day of March, 2011.

Read a third time and finally passed this 30th day of March, 2011.

Originals signed by
Peter Jenkins
Mayor

Originals signed by
Jeff Renaud
Chief Administrative Officer