

**REPUBLIC OF KIRIBATI
LOCAL GOVERNMENT ACT 1984**

BETIO TOWN COUNCIL (BUSINESS LICENCE) BYE-LAWS 2009

In exercise of the power conferred by section 50 of the local Government Act 1984, the Betio Town Council has, by formal resolution dated May 2010, made the following bye-laws:-

Short Title

1. These bye-laws may be cited as the Betio Town Council (Business Licenses) Bye – Laws 2009.

Interpretation

2. In these bye-laws, unless the context other requires:-

‘Auctioneer’ means any person who sells real or personal property by public auction.

‘Bus Operator’ means an operator and owner of a service for the carriage of passengers by road, on which passengers may be taken up and set down at different places within the Council’s local government area, whether or not any passengers on service may also be taken up or set down outside the Council’s government area. But does not include the operator of a taxi or hire vehicle service;

‘Commission Agent’ means any person licensed to operate as an agent.

“Transport Committee” means a Committee established by the Council under section of this Bye-Law.

‘Council’ means the Betio Town Council.

“Council Meeting or Full Council Meeting” means the meeting of all elected, ex-officio and nominated members of the Council which responsible to decide on all or any matters of the Council;

“Hawker” means any person licensed to travel about to sell their goods and products.

‘Fishmonger’ means any person who habitually sells fish.

‘Insurance company’ does not include a life insurance company.

License

- 3.(1) Every person who, for profit or gain, follows or exercises any of the trades or callings or does any of the acts specified in the Schedule hereto shall hold a current business license applicable to such profession, trade, calling or act, as the case may be.

- (2) Subject to the approval of the Minister, the schedule may be amended by resolution of the council. Any such amendment shall be caused to be publicly exhibited at the offices of the Council.
- (3) Any person who does anything for which a license is required by these bye-laws without a valid license commits an offence or is liable for a penalty imposed by this Bye-law.
- (4) In any court proceedings for any breach of this section, it shall be the person breached any provisions of this bye-law to prove on balance of probabilities that, on the occasion complained of, he possessed a valid license.

Application for a license

- 4.(1) Application for a business license shall be made to the Licensing Officer of the Council who shall, upon payment of the appropriate fee and satisfaction of any other requirements of these bye-laws by the applicant, issue a business license to the applicant.
- (2) The applicant may request either a full-year or half-year business license. However, those seeking a license to operate as a fishmonger (hawker) may only obtain a business license.
- (3) The Council may attach such conditions to any business license as are reasonable in the circumstances.
- (4) Any licensee who acts otherwise than in accordance with the conditions attached to his license shall be liable under this Bye Law.
- (5) Subject to sub-section 1 of this section, the Council may, in its discretion, refuse to issue a business License. The applicant shall be advised in writing of the reasons for such refusal.
- (6) Any person aggrieved by the decision of the Council either to attach conditions to the issue of a business license, or to refuse to issue such license, shall have the right to appeal to the Full Council Meeting, who shall consider and decide on the matter either to vary such conditions or to issue a license, as the case may be.

License fee

5. (1) The fee payable for a business license shall be prescribed by resolution of the Council.
- (2) The Council may, in its discretion, reduce or remit any license fee.

Validity:

6. (1) Every full-year business license shall be valid from the day of issue until the 31st day of December of the year of issue.
- (2) Every half-year business license shall be valid from the day of issue until either the 30th day of June or the 31st day of December of the year of issue, as the case may be.
- (3) Every quarter year license shall be valid if it is not more than a month at end of each half year or end of the year.

Transfer

7. A business license may be transferred upon payment of the prescribed fee to the Council by the holder of License and shall be endorsed accordingly.

Replacement

8. Any person who has proved to the satisfaction of the Council that any business license has been lost, damaged or defaced, the Council may issue a duplicate business license upon payment of the prescribed fee to the Council by the Licensee.

Licensed Premises etc

- 9 business license, except for that of a hawker of fishmonger, shall state the premises, building or in respect of which the license has been issued and shall be valid only for the premises, or vehicle indicated therein.

Display of License:

- 10 (1) The relevant business license shall be prominently and publicly displayed within the premises, building or vehicle to which the license applies
- (2) Hawkers and fishmongers must have their license with them at all times they are hawking or selling fish, as the case may be.
- (3) Any licensee who fails to comply with provisions of this section shall be liable to pay a fine of \$150 payable to the Council.

Suspension & Revocation of Licenses

11. (1) The Clerk of the Council, may in its discretion, suspend or revoke or reject a business license after consultation with the Mayor.
- (2) Prior to any suspension or revocation or rejection, the Clerk of the Council acting upon the recommendation of the Mayor shall advise the licensee in writing that it is considering taking action to suspend or revoke or reject the license, and the reasons why such action is being considered.
- (3) The licensee shall be given a reasonable period of time to respond, after which time the Full Council Meeting OR any authorized Committee may proceed to consider the matter.
- (4) Any person aggrieved by the decision of the Committee or Council to either suspend or revoke or reject a Business license shall have the right to appeal to the Full Council Meeting, who shall have the power to reverse such decision, on such terms as may be reasonable. The decisions of the Full Council Meeting shall be final.

Bus, taxi and Hire vehicle operators:

- 12.(1) On making application for a license to operate a bus, taxi or hire vehicle service, the applicant must provide the following information to the Council:-
- a) Model, registration number and age of the vehicle to be used;
 - b) Type of service proposed and its frequency of operation;
 - c) Intended scale of fares or charges;

d) For bus operators only, intend routes;

(2) For bus, taxi or hire vehicles operators, a certificate of road-worthiness for the intended vehicle, issued by a member of the Kiribati Police Force, or by any other person authorized to do so by Council, such certificate to have been issued within 24 hours but not Exceeding 3 days prior to the date of application

(3) The operator of a bus service who installs, or proposes to install, bus stop markers or signs must first obtain the approval in writing to the Council.

Transport Committee:

13. The Transport Committee shall be established by the Council which shall have the power to administer and regulate all transport services and to carry out other duties assigned by the Council under this bye-law or any other bye-laws of the Council.

Commission Agent:

14. A licensed commission agent shall be permitted to dispose of real or personal property, or of goods in bulk, on commission only and otherwise than by public auction, and to act as a forwarding or receiving agent on commission only, but shall not entitle the licensee to act as an agent for any insurance company.

General Import

15.

(1) No person shall carry on the trade or business of an importer for the purpose of dealing in, buying or selling of general cargoes whether in bulk or assorted, unless he is the holder of a general import license.

(2) A person who carries on a trade or business as an importer without holding license for the purpose issued Under the last preceding subsection, shall be liable to pay a fine as determined from time to time by the Full Council Meeting to the Council.

(3) The license in respect of the above trade or business may be issued by the Council to any person as the Council deems proper.

Fishmonger License:

16. (1) A licensed fishmonger shall only be permitted to sell fish from a market, Maneaba, boat, or cart, or from the basket, pack or container carried by the Licensee as authorized by the Council.

(2) Where the Licensee intends to sell from his house, the License issued shall be restricted.

Price Control

(3) The Council may at its resolution reduce, increase or remit a price for fish Mean price of fish that may be determined by the Council in its Full Council Meeting, as specified under section 15 of this bye law.

Power of Police & Wardens and Authorised Officer:

(4) Any police officer, wardens or authorized officer of the council shall have the power to;

a) Demand a copy of the license and any other documents required for that license from any fishmonger; or

- b) To instruct any fishmonger to cease selling fish if refuses or fails to comply with the conditions of a fishmonger's license prescribed under these bye-laws;
- c) Any person who fails to comply with the provisions of these bye-laws shall be liable to a fine of \$100.00 payable to the Council, in default of payment the Council shall stop the operation of that business until the fine has been paid.

Hawkers :

17.

- (1) A licensed hawker shall be permitted to sell in any quantity goods which a specific license is required. Such sales may only take place in a market, maneaba, boat or cart, or from the basket, pack or container carried by the licensee.
- (2) Where a hawker sells goods from more than one location, each person selling goods on behalf of that hawker must have a separate license, valid for that location.

Stores

- 18. A license to operate a store shall not permit the hawking of goods in his premises.

Public health

- 19. A license for the operation of a bakery, cafeteria, hairdresser, or store shall not be issued, unless the licensee produces a Medical certificate to the licensing Officer.

Inspection of license and Powers of Police and Officers of the Council

20.

- (1) Any police officer, warden or duly authorized officer of the Council may, at any reasonable time demand the production of a business license for inspection or may inspect the licensee's premises, building or vehicle (as the case may be) for the purpose of ensuring compliance with any of the conditions attached to the license or with any provision of these bye-laws.
- (2) Any authorized Officers of the Council or police officers, if satisfied that no valid license has been issued by the Council, shall demand payment of the license from such person or owner on the spot. Such officer, if that person or owner refused to pay, may close the premises or building with the lock provided by the Council, and in the case of a bus, may seize the bus and kept it in the premises of the Council. The lock shall be opened and the bus shall be released immediately upon payment of the appropriate fee.

Penalties

21.

- (1) Any person, owner of any business, agent of any business or any other person who breached any provisions of this Bye Law shall be liable to a fine of \$100 payable to the Council and, in the case of a continuing offence, a further penalty of \$10 for each day on which the offence is continued after written notice of the breach has been served on the business or that person or agent.
- (2) Any person or agent of the owner of a business refused to pay the fine under subsection 1 above, the Council may apply to the Court to recover the amount as a civil debt. The sum recovered including any cost awarded by the Court shall be payable to the Council.

- (3) The Council shall have the immediate power to stop any business after 21 days after written notice the Council issued to such business for a demand of payment of its license.

Other regulations:

22. The provisions of these bye-laws shall be additional to the provision of any law which may be in force at any time for the specific regulation or control of any profession, trade, calling or act in respect of which a license is required under these bye-laws.

Savings:

23. Any license issued, or purported to be issued pursuant to the Betio Town Council (Business License) Bye-Law 1975 shall be deemed to have been issued pursuant to these bye-laws.

Repeal

24. The Betio Town Council (Business License) Bye-Law 1999 is hereby revoked.

SCHEDULE

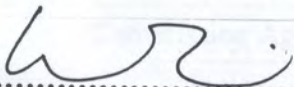
(S.3)

Accountant/Tax Agent - \$350	Ice Block Sales \$100
Advertising/Design - \$250	Ice Flakes Sales \$200
Agency Services - \$750	Import General License - \$1,500
Aggregate Sand \$200 (Manuel\$200,Company \$1,000).	Insurance Company or Agency - \$750
Bakery - \$450 machine, \$200 manpower	Internet Cafe - \$250
Banking - \$2,000	Kava Bar - \$300
Bingo, Jackpots, DLS Jet Games \$200	Land Tax 0.25% of lease value
Boat building and Repair - \$500	Laundry - \$200
Bookstore \$250	Lawyer \$400
Brick Making - \$200	Mobile Mechanic \$200
Building Permit - 1225 as per building bylaw	Office Equipment \$250
Building/Construction - \$500	Pet Fish Sales \$1,200
Bus Operator - \$400 , \$250 Betio Bus only	Pharmacy (Western & local Medicine) \$400
Cafe/Restaurant - \$500 local , \$1,500 Big	Photographic Studio - \$250
Car Rental - \$300	Pilot Services (Marine) - \$500
Carpentry Workshop - \$250	Plumber/Tinsmith - \$200
Cigarettes making \$500	
Cleaning \$100	Port Services - \$550
Coconut Processing \$500	
Commission Agent/Dealers - \$750	Poultry/Farming - \$150
Containers Space \$10 per container	Pre-School \$60
Dental Services \$400	Printing Services \$250
Editorial/Newspaper Scales - \$200	Property Tax 0.5% of value

Educational Services \$200
 Electrical and Radio Repair - \$500 , \$250
 Export General Licenses - \$1,200
 Factory Operator - \$600
 Fence \$180
 Ferris wheel Operator - \$750 , \$1,500 Overseas
 Fishmonger (Hawker) - \$3.00 per day
 Fishmonger (House) - \$3.00 per day
 Fuel Depot Wholesale - \$1,000.00
 Garage - \$750
 Garment Factory - \$600
 Gas (cooking) License (\$300)
 Gas (fuel) station retail - \$300
 Hairdresser - \$200
 Hawker - \$200 kamarake, \$300 secondhand
 Heavy Machinery Hire \$500
 Hospital
 Hotel/Guesthouse or Boarding House \$500
 House Rental – Small \$250, medium \$500,

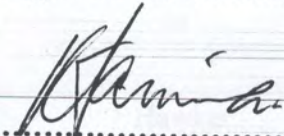
Public Entertainment - \$300
 Recycling - \$1,200
 Scrap Metal \$500
 Sea Cucumber - \$1,200
 Shark Fin - \$1,200
 Shipping Services - \$550
 Stevedoring - \$550
 Store (Branch & Private) - \$250
 Store (Public & Cooperative) - \$1,200, \$500
 Store (Religious Group) - \$250
 Store (Small Industry, e.g. Footwear, Soap etc) \$500
 Tailor - \$600
 Taxi/Hire Vehicle Operator - \$300
 Toll fare \$200
 Tour Operator - \$150
 Truck/Car Hire - \$300
 Video Library - \$300
 Yagona Retail/Wholesale - \$200

Made this 24th May 2010



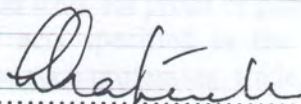
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Mayor
Betio Town Council

Approved this 22nd day of July 2010



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Minister for Internal and Social Affairs

Published by public exhibition at this office of the Council this 22nd day of July 2010.



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Clerk
Betio Town Council