

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

**BYLAW NO. 1409**

A Bylaw to Provide for the Licencing and Regulation of Businesses  
Within The District Of Central Saanich

**CONSOLIDATED FOR CONVENIENCE  
(Amended by Bylaw Nos. 1431 & 1566)**

For Official Purposes and Appendices refer to Original Bylaw Documents

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WHEREAS Part 20 of the Local Government Act, authorizes the adoption of a Business Licence and Business Regulation Bylaw by a Municipality;

AND WHEREAS the Council of the Corporation of the District of Central Saanich deems it advisable to provide for business licensing and to regulate the operation of businesses within the Corporation of the District of Central Saanich;

NOW THEREFORE, the Council of the Corporation of the District of Central Saanich in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the “**Central Saanich Business Licence Bylaw No. 1409, 2001**”.
2. In this Bylaw:

Part A – Business Licencing

“**Act**” means the *Local Government Act*;

“**Business**” means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other service for the purpose of gain or profit, but does not include any activity carried on by the government, its agencies or government owned corporations, or by a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes;

“**Commercial**” means any Business other than a Home Craft or a Business for which an Intermunicipal Licence or a Daily License is required;

“**Contractor**” includes any person who undertakes to do or perform any work or service at a certain price or rate or for a fixed sum, except where such work or service is specifically defined in this bylaw, and includes any person who takes out one or more building permits in any one calendar year for the construction of new structures or alterations to existing structures;

“**Council**” means the Council of the Corporation of the District of Central Saanich;

“**Daily Licence**” means a one day business licence required for craft fairs, exhibitions or other itinerant shows or entertainment;

“**Home-based Business**” means a Business carried on as a home occupation use within a residence;

“**Intermunicipal Business Licence Agreement**” means the agreement attached to and forming part of the Intermunicipal Business Licence Agreement Authorization Bylaw, 1999, No. 8001;

**“Intermunicipal Licence”** means a business licence issued by the Licence Inspector of the Municipality or another Participating Municipality, to carry on business within the boundaries of any participating municipality, and issued pursuant to the Intermunicipal Business Licence Agreement;

**“Licence”** means a licence to carry on business in the Municipality issued pursuant to this bylaw and includes a Daily License;

**“Licence Inspector”** means a person appointed by Council to serve as the Licence Inspector for the Municipality and includes Building Inspectors and Bylaw Enforcement Officers of the Municipality;

**“Municipality”** means the Corporation of the District of Central Saanich;

**“Participating Municipality”** means a municipality which is a party to the Intermunicipal Business Licence Agreement;

**“Resident Business”** means a business carried on, in or from premises within the Municipality; and

**“Non-Resident Business”** means a business, other than a Resident Business, carried on within the Municipality or with respect to which any work or service is performed within the Municipality.

3. Subject to Section 655 of the Act, no person shall carry on within the Municipality, any Business unless they are the holder of a valid and subsisting Licence issued under this bylaw by the Licence Inspector, or a valid and subsisting Intermunicipal Licence, and shall pay in advance therefore, to the Licence Inspector, the Licence fee specified in Schedule “A” to this bylaw and it shall be incumbent upon each person to renew such Licence prior to its expiration each year as long as such Business is being carried on.
4. Those classes of Business set out in Schedule “A” attached to this bylaw are established as classes of Businesses for the purposes of this bylaw.
5. The Licence Inspector shall have power to grant, issue or transfer licences in accordance with this bylaw.
6.
  - (a) The application for a Licence for the first time shall be in the form or forms prescribed from time to time by the Licence Inspector. The application shall be completed by the owner of the Business or a duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such owners or partners may apply and such owner or partner applying shall be deemed to be the only authorized agent of all the owners or partners.
  - (b) The Licence Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed, as deemed necessary when dealing with any owner applying for Licences for more than one business.
7. The duly completed application form shall be delivered to the Licence Inspector and shall be accompanied by the fee specified in Schedule “A” to this bylaw.

8. An application for a Licence to carry on a type of business listed in Schedule “B” to this bylaw shall be treated as an application for an Intermunicipal Licence and the Licence Inspector shall only issue an Intermunicipal Licence in respect of such Business.
9.
  - (a) Except as hereinafter provided, Licences issued hereunder shall be annual Licences for the period January 1<sup>st</sup> to December 31<sup>st</sup> 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, except that the Licence fee prescribed shall be reduced by one-half in respect of a person who becomes liable to be licensed after the thirty-first day of July in any year.
  - (b) The period for a Licence with respect to a craft fair, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, shall be one day and application shall be for a Daily Licence.
10.
  - (a) No person shall carry on a Resident Business in or from any premises in the Municipality other than those specified on a valid and subsisting Business Licence.
  - (b) A separate Business Licence shall be obtained in respect of each premise in or from which a Business is carried on.
  - (c) No person shall change their place of Business without first obtaining a transfer of their Licence in respect thereto and the particulars of such transfer shall be endorsed on the Licence by the Licence Inspector.
  - (b) No person, being the holder of a Non-Resident Business Licence, shall carry on such Business in or from premises located within the Municipality.
11. Where the Licence Inspector believes a Licence should be refused, suspended or cancelled, the Licence Inspector shall refer the matter to Council for a decision, in accordance with sections 659 and 660 of the Act.
12. The Licence Inspectors are hereby authorized to enter at all reasonable time upon any property for the purpose of administering and enforcing this bylaw.
13. Part B – Business Regulations  

Every Licence shall be considered as a personal licence to the licensee and shall not be transferable to any other person.
14. Every person conducting an agricultural composting operation as part of a farm business must, if the operation involves the routing of transport vehicles from farm land onto District highways, ensure that the wheels of any such vehicle entering on a highway are free from accumulations of soil and, when instructed to do so by the Municipal Engineer, must at their cost remove from District highways any accumulation of soil that results from the operator’s failure to do so, in such a manner that the soil is not removed to the ditches of the highway or any other District property.
15.
  - (a) Every person conducting a commercial composting operation other than as part of a farm business must grant or cause to be granted to the District, prior to being issued

a business licence, a covenant under s.219 of the *Land Title Act* by which the owner of the land on which the operation is conducted covenants to do so in such a manner that odours generated in the composting or curing process are not detectable by humans off the premises, with a rent charge of \$1000 per day to be paid to the District in the event that the covenant is breached.

- (b) Processing equipment in a commercial composting operation conducted other than as part of a farm business may be operated only between the hours of 8 a.m. and 5 p.m. Monday to Saturday, excluding statutory holidays.
16. The license inspector may impose, as a condition of a licence for a farm business that includes an agricultural composting operation, or a commercial composting operation that is not part of a farm business, a requirement that the operator compensate the District for the costs it has incurred or will incur to repair District highways damaged by commercial or farm vehicle traffic associated with the business, on the basis of the District Engineer's written estimate of the cost of undertaking such repairs, Such licence condition will be deemed to have been breached if full payment has not been made within thirty days of mailing of the District's account for such repairs.
17. Except where the penalty is otherwise provided for in the Act, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who does or refrains from doing anything to be done by this bylaw, shall be deemed to have committed an offence under this bylaw and shall be liable on conviction to a fine or penalty of not less than \$100.00 and costs in respect of the first offence, \$200.00 and costs in respect of the second offence, and in the case of subsequent offences to a fine of not less than \$300.00 and costs.
18. This Bylaw will come into effect on January 1, 2002.
19. Bylaw No. 816, being the "Business Licence Bylaw, 1986" is hereby repealed on January 1, 2002 except insofar as it repeals any other bylaw.

**Adopted: December 3, 2001**

**Amended by Bylaw No. 1431, November 4, 2002**

**Amended by Bylaw No. 1566, February 19, 2007**

**Schedule "A"**  
**Business Categories and Fees**

<u>Category</u>	<u>Licence Fee</u>
1. <b>Home-Based Business</b>	\$ 50.00
2. <b>Intermunicipal</b>	\$100.00
3. <b>Commercial - Small</b> (464.5 sq.m./5,000 sq.ft.) or less of gross floor area of buildings used for business	\$100.00
4. <b>Commercial - Large</b> (more than 464.5 sq.m./5,000 sq.ft.) of gross floor area of buildings used for business	\$200.00
5. <b>Non-Resident</b>	\$100.00
6. <b>Daily - per day</b>	\$ 35.00

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**Schedule "B"**  
**Intermunicipal Business Categories**

Businesses including but not limited to:

Catering	Handyman Service	Pet Sitter
Cleaning Service	Hauling Service	Pet Grooming - Mobile
Contractor - All Types	Inspection Service	Photographer
Courier Service	Janitorial Service	Pickup/Delivery Service
Development Company	Limousine Service	Repair Service
Diver	Locksmith	Restoration Service
Entertainment Company	Manufacturers Agent	Security Service
Fuel Dealer	Mechanic - Mobile	Towing Service
Guide Service	Personal Service	Trucking Service
Hairdresser/Barber - Mobile	Pest Control	