

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 1610

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

WHEREAS Section 8(6) of the *Community Charter*, 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 licencing and to regulate the operation of businesses within the Corporation of the District of Central Saanich;

AND WHEREAS the Council has provided notice of its intention to adopt this bylaw and provided those persons considering themselves to be affected by it to make representations;

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

1. **Title**

This Bylaw may be cited for all purposes as “**Central Saanich Business Licence Bylaw No. 1610, 2009**”.

2. **Definitions**

In this Bylaw:

“**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;

“**Charter**” means the *Community Charter*;

“**Commercial**” means any Business other than a Home-Based Business or a Business for which an Intermunicipal Licence or a Daily Licence 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 a building permit 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;

“**Dwelling Unit**” means one or more habitable rooms,

i) of which not more than one is equipped, or constructed so as to be capable of being equipped, for household activities related to the storage, preparation and consumption of food; and

ii) arranged such that no rooms are connected to the remainder of the building by any corridor, breezeway or other structure in a manner that enables the building to be altered, through alterations not requiring a building permit, to create two separate rooms or groups of rooms each having an entrance from the exterior and capable of being used as a residence.

“**Garage Sale**” means the offering for sale of personal property conducted on a residential premise for no more than two (2) consecutive days;

“**Home-Based Business**” means a Business carried on as a home occupation use within an area of not more than 25% of the gross floor area of a dwelling unit or in an accessory building less than 90 m² in floor area;

“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;

“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;

“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. For clarity, the office of the business will not be located within the Municipality;

“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 a specified premise within the Municipality. For clarity, the office of the business will be located in the Municipality;

“Sale of Produce” means the retail sales of agricultural products, from an accessory building less than 10 m² in building area, as an accessory use to the principal agricultural use.

3. **General Regulations**

For the purpose of this bylaw, any person who, within the District:

- a) advertises or indicates by any means as being open for business of any kind;
- b) deals in, or buys, sells, barter, rents, or displays any commodity or offers by advertisement or otherwise, on behalf of himself or others; to buy, sell, barter or rent any commodity;
- c) renders or offers to render professional, personal, contractual, or other services to any person for the purpose of gain or profit; or
- d) engages in repairing, restoration or servicing of automobiles, appliances or other commodities not owned or registered in the name of that person or firm;

shall be deemed to be carrying on a business in the District.

4. Unless specifically exempted in Section 5, a person shall not carry on any business within the District without a valid and subsisting licence issued to that person under this bylaw.

5. **Exemptions**

A business licence is not required:

- a) for the letting or renting of a bedroom in a dwelling unit where not more than two bedrooms are available for letting or renting;
- b) by a farmer with respect to the sale of produce which is grown by the farmer, upon land which is owned, rented or leased by the farmer within the District;

- c) for a garage sale, which is conducted on a person's own residential property, except where garage sales are conducted on that property more than six (6) days per calendar year;
- d) for any activity carried on by government, its agencies or government-owned corporations; or,
- e) 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.

6. **Restrictions**

- 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.
- d) All information, as provided to the Municipality on the Business Licence application form, must be kept current.
- e) No person, being the holder of a Non-Resident Business Licence, shall operate an office related to the Business within the Municipality.
- f) No business licence shall be granted in the case of an automobile dealership until proof that Provincial Licencing requirements under the *Motor Dealers Act* have been met by the Applicant.
- g) No business licence shall be granted where the premises that the business will be conducted on or from is in contravention of the bylaws of the municipality regulating business, building, zoning or land use.
- h) Every Licence shall be considered as a personal licence to the licensee and shall not be transferable to any other person.

7. **Granting a Licence**

The Licence Inspector may grant a licence when satisfied that the applicant has complied with the requirements of the bylaws of the municipality regulating business, building, zoning and land use; and applicable federal, provincial and regional legislation:

- a) The application for a Licence 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 categories of Business set out in Schedule "A" attached to this bylaw are established as categories of Businesses for the purposes of this bylaw.
- c) Every application for an initial licence for a commercial business shall include a detailed floor plan of the premises in or from which the applicant intends to carry on business.
- d) The Licence Inspector is hereby authorized to modify the forms prescribed as deemed necessary.
- e) The completed application form shall be submitted to the Licence Inspector by the owner of the Business or a duly authorized agent; and the applicant shall be invoiced for the fee as specified in Schedule "A" to this bylaw.

8. An application for a Licence to carry on business within Central Saanich and other municipalities within the Capital Regional District (CRD) shall be treated as an application for an Intermunicipal Licence and the Licence Inspector shall issue an Intermunicipal Licence pursuant to the CRD Intermunicipal Business Licence Agreement.
9. The period for a Licence with respect to a craft fair, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced theatre or other licenced place, shall be one day and application shall be for a Daily Licence.

10. **Renewal of a Licence**

The holder of a Licence must renew that Licence within sixty (60) days after its expiry date each year that such Business is being carried on.

- a) Where a licence for a business is not renewed within sixty (60) days after its expiry date, in addition to the licence fees specified in Schedule "A", the holder of the Licence shall pay to the District a late payment fee as specified in Schedule "A" for that category of business.
- b) Except as hereinafter provided, Licences issued hereunder shall be annual Licences for the period January 1st to December 31st 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 licenced after the thirty-first day of July in any year.

11. **Revoke, Suspend or Cancel a Licence**

- a) Council may revoke, suspend or cancel for such period, as may be determined by Council, any licence if the holder of the licence:
 - i. is convicted of an indictable offence in Canada;
 - ii. is convicted of an offence under any District Bylaw or Statute in the Province of British Columbia in respect of the business which is licenced or with respect to the premises named in the licence;
 - iii. has, to the satisfaction of Council, been guilty of such gross misconduct in respect of the business or in or with respect to the premises named in the licence as to warrant the suspension of the licence; or
 - iv. has ceased to meet the lawful requirements to carry on the business which is licenced or with respect to the premises named in the licence.
- b) Notice of the revocation, suspension or cancellation of a licence by Council shall be made, in writing, signed by the Licence Inspector, and served on the person holding such licence or delivered to the holder of such licence by registered mail to the address given by the Licencee on the application for the licence. A notice of revocation, suspension or cancellation of the licence may be posted by the Licence Inspector upon the premises for which the licence was issued and such notice shall not be removed until the licence is reinstated, the former Licencee ceases to occupy the premises, or a new business other than the one carried on by the former Licencee is started in the premises. The Licence Inspector may also pick up any licence held by the Licencee if revoked, suspended or cancelled.
- c) Council may revoke, suspend or cancel a licence for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.
- d) Any person whose licence has been revoked, suspended or cancelled pursuant to this section may appeal to Council and upon such appeal Council may confirm or set aside such revocation or suspension on such terms as Council may think fit.

12. Composting Operations

- a) 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.
- b) 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.
- c) 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.
- d) The licence 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.

13. Enforcement

- a) No person shall obstruct a Licence Inspector engaged in the administration or enforcement of this Bylaw.
- b) Every person who contravenes a provision of this Bylaw commits an offence, and each day that the violation is caused or allowed to continue constitutes a separate offence.
- c) Any person guilty of an infraction of this Bylaw is liable on summary conviction to a fine of not less than \$100.00 and not more than \$10,000.00, or imprisonment not exceeding the maximum allowed by the *Offence Act*.
- d) This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
- e) Licence Inspectors are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the *Community Charter*.

14. Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

15. **Repeal**

“Central Saanich Business Licence Bylaw No. 1409, 2001” is hereby repealed.

READ A FIRST TIME on this **2nd** day of **March,** **2009.**

READ A SECOND TIME on this **2nd** day of **March,** **2009.**

READ A THIRD TIME on this **2nd** day of **March,** **2009.**

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this **16th** day of **March, 2009.**

“JACK MAR”

Jack Mar
Mayor

“SARA C. RIBEIRO”

Sara C. Ribeiro
Municipal Clerk

Schedule "A"
Business Categories and Fees

Category	Licence Fee	Late Payment Fee
1. Home-Based Business	\$50.00	\$25.00
2. Intermunicipal	\$100.00	\$50.00
3. Commercial – Small (464.5 sq.m./5,000 sq.ft.) or less of gross floor area of buildings used for business	\$100.00	\$50.00
4. Commercial – Large (more than 464.5 sq.m./5,000 sq.ft.) of gross floor area of buildings used for business	\$200.00	\$100.00
5. Non-Resident	\$100.00	\$50.00
6. Daily - per day	\$35.00	