

BYLAW NO. 2166

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

WHEREAS Section 8(6) of the Community Charter, authorizes the adoption of a Business License 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 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 License Bylaw No. 2166

2. Definitions

In this Bylaw:

"Agricultural production" means permitted agricultural activities in the Agricultural Land Reserve and lands that permit an agriculture use under *Land Use Bylaw No 2072*

"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, a Farm-Based Business or a Business for which an Intermunicipal License 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 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 License" means a one-day business license required for craft fairs, exhibitions or other itinerant shows or entertainment;

"Dwelling Unit" means one or more habitable rooms having collectively its or their own entrance from the exterior, used or intended to be used for the residential accommodation of not more than one family, having provision for living, sleeping and sanitary facilities and .9 containing or providing for not more than one cooking facility.

"Farm-Based Business" means a farm-related Business operating on land within the Agricultural Land Reserve or land classified as farm under the Assessment Act with the following categories;

- i. Wholesale: the selling of goods in large quantities to be retailed by others.
- ii. Retail: sell (goods) directly to the public.
- iii. Farm Stand: means a structure under 10m² for engaging in the sale of agricultural products produced or grown on site. The structure may be temporary or permanent but is to be seasonal in duration, open for the duration of the harvest season, located at the property from which the agricultural products are grown and not involve further advertising or distribution of products.

"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 License Agreement" means the agreement attached to and forming part of the Intermunicipal Business License Agreement Authorization Bylaw;

"Intermunicipal License" means a business license issued by the License 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 License Agreement;

"License" means a license to carry on business in the Municipality issued pursuant to this bylaw;

"License Inspector" means a person appointed by Council to serve as the License 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 License 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;

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 license issued to that person under this bylaw.

5. Exemptions

A business license 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) for agricultural production by a farmer on land in the Agricultural Land Reserve or land classified as farm under the Assessment Act and;
 - i wholesale product
 - ii farm stand
- 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 License.
- b) A separate Business License 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 License in respect thereto and the particulars of such transfer shall be endorsed on the License by the License Inspector.
- d) All information, as provided to the Municipality on the Business License application form, must be kept current.
- e) No person, being the holder of a Non-Resident Business License, shall operate an office related to the Business within the Municipality.
- f) No business license shall be granted in the case of an automobile dealership until proof that Provincial Licensing requirements under the Motor Dealers Act have been met by the Applicant.

- g) No business license 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 License shall be considered as a personal license to the licensee and shall not be transferable to any other person.

7. Granting a License

- a) The License Inspector may grant a license 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:
 - i. The application for a License shall be in the form or forms prescribed from time to time by the License 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.
 - ii. The categories of Business set out in the Fees and Charges Bylaw are established as categories of Businesses for the purposes of this bylaw.
 - iii. Every application for an initial license for a commercial business shall include a detailed floor plan of the premises in or from which the applicant intends to carry on business.
 - iv. The License Inspector is hereby authorized to modify the forms prescribed as deemed necessary.
 - v. The completed application form shall be submitted to the License Inspector by the owner of the Business or a duly authorized agent; and the applicant shall be invoiced for the fee as specified in the Fees and Charges Bylaw.
- b) An application for a License 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 License and the License Inspector shall issue an Intermunicipal License pursuant to the CRD Intermunicipal Business License Agreement.
- c) The period for a License 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 License.

8. Terms and Conditions of a License

The License Inspector may impose terms and conditions that must be met for obtaining, continuing to hold or renewing a License, including:

- a) hours of operation;
- b) the effective period of the License;
- c) measures to reduce nuisance or negative impacts on the surrounding community;
- d) measures to address issues of health or safety; and
- e) measures to ensure compliance with the requirements of this and other applicable bylaws or provincial or federal regulations.

A person whose License is made subject to conditions may appeal the decision to Council within ten days of receipt of the License.

9. Renewal of a License

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

- a) Where a license for a business is not renewed within sixty (60) days after its expiry date, the holder of the License shall pay to the District a late renewal fee as specified in the Fees and Charges Bylaw for that category of business.
- b) Except as hereinafter provided, Licenses issued hereunder shall be annual Licenses 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 as provided in the Fees and Charges Bylaw.

10. Suspension or Cancellation of a License

- a) The License Inspector may suspend or cancel any License:
 - i. if the holder of the License breaches the terms of the License or this Bylaw; or
 - ii. for reasonable cause.
- b) Any person whose License has been suspended or cancelled pursuant to this section may appeal to Council and upon such appeal Council may confirm or set aside such suspension or cancellation on such terms as Council may think fit.
- c) A notice of suspension or cancellation of a License may be posted by the License Inspector upon the premises to which the License relates and such notice shall not be removed until the License is reinstated, the former holder of the License ceases to occupy the premises, or a new business other than the one carried on by the former holder of the License is started in the premises. The License Inspector may also pick up any License held by the former holder of the License if suspended or cancelled.

11. 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 license, 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 license inspector may impose, as a condition of a license 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 license 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.

12. Special Terms and Conditions for Businesses Licensed to Serve Liquor for Consumption on the Premises

12.1 In this section 12:

- a) "Authorization" means a Temporary Expanded Service Area Authorization issued by the GM.
- b) "GM" means the General Manager of the Provincial Liquor and Cannabis Regulation Branch.
- c) "New Outdoor Service Area" means an outdoor area where liquor is to be served by a business which, before the date on which an Authorization for the business was issued, was not licensed to service liquor in any outdoor area.

12.2 In addition to any other terms and conditions of a License under this Bylaw, every business in respect of which the GM issues an Authorization is subject to the following further conditions:

- a) If the business serves liquor in an outdoor area, the daily hours of operation for that outdoor area shall be:
 - (i) In the case of an existing but expanded outdoor area where liquor is served, the same hours as the hours of operation for the existing outdoor area, before the date on which the GM issues the Authorization; or,
 - (ii) In the case of a new outdoor service area, no later than 9:00 pm on Sundays through Thursdays, inclusive, and no later than 10 pm on Fridays and Saturdays.
- b) The boundaries of any outdoor area where liquor is served must be clearly delineated with a sturdy barrier no less than 30 inches high.
- c) Amplified music or televisions are not permitted in any new outdoor service area.
- d) Despite an Authorization, no service area shall be expanded if the expansion would reduce the number of accessible parking spaces provided for the premises, under section 42(14) of Appendix A to District of Central Saanich Land Use Bylaw No.

2072, or interfere with access to and from the premises by persons using mobility aids such as wheelchairs or walkers.

13. Enforcement

- a) No person shall obstruct a License 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) License Inspectors are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the Community Charter.

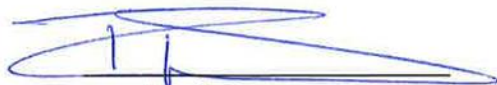
14. Severability

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 License Bylaw No. 2050, 2020" is hereby repealed.

READ A FIRST TIME this	14th	day of	November	2023
READ A SECOND TIME this	14th	day of	November	2023
READ A THIRD TIME this	14th	day of	November	2023
ADOPTED this	22nd	day of	January	2024


 Ryan Windsor
 Mayor


 Emille Gorman
 Corporate Officer

