

# DISTRICT OF NORTH SAANICH

## BYLAW NO. 1349



CONSOLIDATED FOR CONVENIENCE ONLY

### BUSINESS BYLAW

The amending by-laws which have been consolidated into "District of North Saanich Business Bylaw No. 1349 (2013)" are as follows:

1404, 1438, 1462, 1475

**as of April 15, 2019**

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This consolidation of the District of North Saanich Business Bylaw and amendments have been prepared exclusively for the use by the District of North Saanich for convenience only.

**The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original Bylaws.**

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## DISTRICT OF NORTH SAANICH

### BYLAW NO. 1349

#### A BYLAW RESPECTING LICENSES FOR CARRYING ON BUSINESS WITHIN THE DISTRICT OF NORTH SAANICH

WHEREAS Section 8 (6) of the Community Charter authorizes the adoption of a Business License and Business Regulation Bylaw by a Municipality;

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

#### CITATION

1. This Bylaw may be cited for all purposes as “District of North Saanich Business Bylaw No. 1349 (2013).”

#### DEFINITIONS

2. In this Bylaw,

***BYLAW 1404***

***BYLAW 1438***

***BYLAW 1462***

‘**ALR cannabis production and sale**’ means the cultivation, harvesting, processing, composting, destruction, packaging, storage, distribution, or sale of cannabis as permitted as a designated farm use under s. 2(2.5) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg 171/2002, on land designated as Agricultural Land Reserve.

‘**Applicant**’ means any person who makes an application for a license pursuant to this bylaw;

‘**Business**’ means carrying on a commercial or industrial undertaking of any kind, or providing professional, personal or other services for the purpose of gain or profit;

***BYLAW 1438***

‘**Cannabis**’ means any part of the cannabis plant including its preparations and derivatives but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots of any part of the root of a cannabis plant.

‘**Charter**’ means the Community Charter;

**‘Council’** means the Municipal Council of the District of North Saanich;

**‘Daily License’** means a one day Business License required for craft fairs, exhibitions or other itinerant shows or entertainment;

**‘Garage Sale’** means the offering for sale of personal property conducted on a residential premise for no more than two (2) consecutive days nor more than six (6) days per calendar year;

**‘Home Occupation’** means an occupation or profession carried on by a resident of a dwelling unit for consideration, accessory to the residential use of the lot, that does not change the residential character or appearance of the dwelling unit, building or lot;

#### ***BYLAW 1475***

**‘Inter-community Business’**- means a business that performs a service or activity within more than one Participating Municipality by moving from client to client rather than having clients come to them, in accordance with Bylaw No. 1474 (Inter-community Business License Bylaw), as amended. This includes but is not limited to trades, plumbers, electricians, cleaning services, pest control or other similar businesses. This does not include fruit stands, flea markets, trade shows or other similar businesses.

#### ***BYLAW 1475***

**‘Inter-community Business License’** means a business license which authorizes an Inter-community Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with Bylaw No. 1474 (Inter-community Business License Bylaw) as amended.

**‘Intermunicipal Business License Agreement’** means the agreement attached to and forming part of the ‘Intermunicipal Business License Agreement Authorization Bylaw 933’ and amendments thereto;

**‘Intermunicipal License’** means a business license issued by the License Inspector of the District of North Saanich or another participating Municipality, to carry on business within the boundaries of any participating municipality, and issued pursuant to the Greater Victoria Intermunicipal Business License Agreement;

**‘License Inspector’** means the Director of Planning and Community Services is appointed as License Inspector for the Municipality, to collect license fees and to administer this Bylaw, or designate;

**‘Municipality’** means the District of North 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;

**'Person'** means a natural person, his heirs, executors, administrators or assigns and shall also include a corporation, firm, partnership or proprietorship;

**'Resident Business'** means a business carried on, in or from premises in the Municipality.

### **GENDER**

3. In this Bylaw, unless the context otherwise requires, masculine gender shall include the plural or feminine gender, and the converse shall also apply.

### **REQUIREMENT FOR BUSINESS LICENSE**

4. Every person owning or operating any business carried on within the Municipality shall hold a valid and subsisting business license issued under this Bylaw and shall pay in advance to the Municipality the sum specified in Schedule 'A' attached hereto and made part of this Bylaw;
5. If a business is carried on in or from more than one premises in the Municipality, the business carried on from more than one premises in the Municipality is deemed to be a separate business.

### **EXEMPTIONS**

6. A business license is not required:
  - (a) for any activity carried on by government, its agencies or government owned corporations;
  - (b) for a garage sale which is conducted on a person's own residential property, except where sales are conducted on that property more than two (2) consecutive days or more than six (6) days per calendar year;
  - (c) for a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes.

### **POWER OF COUNCIL TO REFUSE OR REVOKE A BUSINESS LICENSE**

7. A Council may, on affirmative vote of at least two-thirds of its members, refuse in any particular case to grant the request of an applicant for a business license, but the granting or renewal of a license must not be unreasonably refused;
8. A Council may revoke a business license for reasonable cause after giving notice to the licensee and after giving the licensee an opportunity to be heard.

**POWER OF THE LICENSE INSPECTOR**

9. The License Inspector shall have the power to grant, issue or transfer licenses as hereinafter provided and subject to the provisions of the Charter.
10. The License Inspector is hereby authorized to modify the forms prescribed as deemed necessary.

**APPLICATION, RENEWAL AND TRANSFER**

11. Every person applying for a business license shall complete the application forms supplied by the License Inspector for such purpose;
12. An application for the first time, or for a transfer of a business license, shall be signed by the owner or operator of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all the partners or owners;
13. The application form shall be delivered to the License Inspector and the fee, prescribed by Schedule 'A' for the class of business in respect of which the application is made, shall be paid upon the issuance of the license. The classification of the business shall be determined by the License Inspector;
14. The categories of Business set out in Schedule 'A' of this bylaw are established as categories of Business for the purposes of this bylaw.
15. Every person holding a business license shall notify the License Inspector in writing within 30 (thirty) days of any changes in the mailing or business address, the classification of the business, area of premises, alterations of the premises in which the business is carried out, and upon termination of the business, shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector;
16. Provided that there has been no change in any of the particulars of the business as noted on the original application form, an application form is not required to renew a business license;
17. Every licensee, before changing his place of business within the Municipality, shall obtain a transfer of his business license. On the making of the application and payment of the sum of \$25.00 and proof to the satisfaction of the License Inspector that the premises to which the applicant wishes to transfer meet the requirements of the Bylaws and regulations governing buildings, zoning, health and sanitation, the License Inspector shall approve the transfer;
18. No person shall carry on a business for which a license is required by this Bylaw during the period of suspension or revocation of such license.

**ELIGIBILITY*****BYLAW 1438***

19. Every applicant or person holding a business licence must ensure compliance with all federal and provincial laws and regulations, including bylaws. The issuance of a licence by the municipality to the licensee is not a representation of any kind that a business is compliant with any federal, provincial or other laws.
20. The License Inspector may require the applicant to submit letters or certificates of approval from appropriate public authorities having jurisdiction over the carrying on of a particular class of business or the carrying on of a business from a particular premises prior to the issuance of the business license.

**TERM AND APPLICABILITY**

21. Business licenses shall be issued for a one-year period commencing on the first day of January and terminating on the thirty-first day of December in each and every year. The annual license fee specified in Schedule 'A' shall be reduced by one-half in respect of a business that becomes liable to be licensed after the thirty-first day of July in any year;
22. The holder of a license must renew that license within the first two (2) calendar months (January, February) after its expiry date each year that such business is being carried on.
23. Where a license for a business is not renewed within the first two (2) calendar months (January, February) after its expiry date, the holder of the license shall pay to the district the fee specified in column two (2) of Schedule 'A'.
24. 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 the application shall be for a Daily License;
25. No business license fee or part thereof shall be refundable;
26. Every business license issued pursuant to this Bylaw shall state that the holder is licensed to carry on the business stipulated therein in a lawful manner for the period specified at the premises stated;
27. Every business license issued pursuant to this Bylaw shall be deemed to be a personal license to the licensee therein named and, where applicable, shall be valid only for the premises therein named;
28. Every person in charge or control of premises where a business is carried on or practiced shall at all times keep the License prominently displayed in the reception or service area to which the public has access.

**SIDEWALK OR BOULEVARD PROHIBITION**

29. No business shall operate on Municipal sidewalks or boulevards without the consent of Council.

**OBLIGATION TO COMPLY**

30. Every person required to be licensed under this Bylaw shall permit access by the License Inspector or any Police Officer at all reasonable times to the premises at which the licensed business is being carried on, for the purposes of ascertaining compliance with the provisions of this Bylaw and of the Act;
31. Every person required to be licensed under this Bylaw and every person in charge of a business requiring a license shall, on demand of any License Inspector or any Police Officer, produce and show to such Inspector or Police Officer the license he is required to hold, or give satisfactory proof that such a license has been obtained.

**DEBT FOR OUTSTANDING FEES**

32. Every business license fee payable by any person pursuant to the provisions of this Bylaw shall be a debt due by that person to the Municipality, which shall be recoverable together with any costs in any Court of competent jurisdiction.

**VIOLATION**

33. A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not less than two hundred dollars (\$200.00) and not more than ten thousand dollars (\$10,000.00), plus costs, and where the conviction is for carrying on a business for which a license is required without holding a valid and subsisting license for the business, then the amount which should have been paid for the license, where a license may be issued, shall be added to the said fine and shall form part of the fine.

**SEVERABILITY**

34. 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.

**REPEAL**

35. District of North Saanich "Business License Bylaw No. 898 (1998)" and all its amendments are hereby repealed.

READ A FIRST TIME the 2<sup>nd</sup> day of December, 2013.

READ A SECOND TIME the 2<sup>nd</sup> day of December, 2013.

READ A THIRD TIME the 2<sup>nd</sup> day of December, 2013.

FINALLY ADOPTED the 16<sup>th</sup> day of December, 2013

Signed by Mayor Alice Finall

MAYOR

Signed by Curt Kingsley

CORPORATE OFFICER



## Schedule 'A'

### Business Categories and Fees:

Fee:	Column 1	Column 2
	License Fee:	License
Category	If Paid In January or February	If Paid After February
1) Home Based Business including Bed and Breakfast	\$50.00	\$75.00
2) Intermunicipal	\$100.00	\$150.00
3) Commercial – Small 500 m2 (5382 sq. ft.) or less of gross area used for business	\$100.00	\$150.00
4) Commercial – Large Over 500 m2 (5382 sq. ft.) of gross area used for business	\$200.00	\$300.00
5) Winery, including the business of a winery, distillery, brewery or the storage, bottling or distributing of alcoholic liquors	\$300.00	\$450.00
6) Non – Resident	\$100.00	\$150.00
7) Daily- per day	\$35.00	
8) Business License transfer	\$25.00	
<b>BYLAW 1404</b> <b>BYLAW 1438</b>		
9) ALR cannabis production and sale	\$500.00	\$750.00
<b>BYLAW 1475</b>		
10) Inter-community	\$170.00	\$170.00