

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8213

A BYLAW RESPECTING LICENCES FOR CARRYING ON BUSINESS WITHIN SAANICH AND FOR FIXING THE FEES FOR SUCH LICENCES

The Municipal Council of the Corporation of the District of Saanich in open meeting, hereby enacts as follows:

1. This Bylaw may be cited for all purposes as the "BUSINESS LICENCE BYLAW, 2002, No. 8213".
2. For the purpose of this bylaw, unless the context otherwise requires:

"**Act**" means the Community Charter, 2003 SBC C26.

"**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, intermunicipal, daily or non-resident business;

"**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 any person who takes out more than one building permit in any one calendar year for the construction of new residences and/or alterations to existing buildings;

"**Council**" means the Council of the Corporation of the District of Saanich;

"**Daily Licence**" includes craft fairs, exhibitions or other itinerant shows or entertainment;

"**Direct Seller**" except where otherwise defined means a person personally selling, soliciting or canvassing for the sale of books, magazines, or periodicals, whether of an educational nature or not, or the sale of any goods, wares or merchandise, or contracts for repairs, renovations or other work or like nature, either on his own behalf or as an agent for another, from door to door within Saanich;

“Home Crafts” means a business carried on as a home occupation use within a residence in which articles are made by hand, including jewellery, dolls, wood crafts, stuffed animals, holiday art, toys, greeting cards, candles, soap, flower arranging, and clothing;

“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 District of 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 Licence Agreement;

“Licence Inspector” means the person appointed by Council to serve as the Licence Inspector for Saanich and also any duly authorized representative lawfully acting in that capacity;

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

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

“Peddler” means a person who offers for sale along the street or on any predetermined route of regular customers, any fresh produce, dairy food, confections, fish and kitchenwares;

“Person” shall include a corporation, partnership, proprietorship, firm, and the personal or other legal representative of a person to whom the context may apply under this bylaw;

“Resident Business” means a business carried on, in or from premises within Saanich;

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

3. No person shall carry on within Saanich, any business unless he or she is the holder of a valid and subsisting Licence issued to him or her 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” attached hereto and made part of this bylaw and it shall be incumbent upon each person to renew such licence prior to the beginning of each licencing period as long as such business is being carried on.

4. The Licence Inspector shall have the power to grant, issue or transfer licences as hereinafter provided.
 - 4.1 Before issuing a Business Licence, the Licence Inspector shall satisfy himself that:
 - (i) the proposed business would comply with the Saanich Zoning Bylaw and all other applicable Saanich Bylaws;
 - (ii) all 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, have approved all aspects of the application. Where requested by the Licence Inspector, the applicant shall submit letters or certificates of approval from the appropriate authorities;
 - (iii) the premises from which the proposed business will operate from are in compliance with all applicable Saanich Bylaws and any outstanding orders issued pursuant to the Fire Services Act.
 - 4.2 The Licence Inspector shall refuse to issue a renewal of a Business Licence if the Licence Inspector determines that the business or the business premises are not in compliance with requirements set out under subsection (1), (2) and (3) in Section 4.1.
5. 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 his 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.
6.
 - (a) The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee specified in Schedule "A".
 - (b) Notwithstanding subsections (a) and (b) but not inconsistent with the Act or this bylaw, the Licence Inspector is hereby authorized to modify the forms prescribed, or any of the administrative procedures prescribed as deemed necessary by him when dealing with any owner applying for licences for more than one business.
 - (c) All fees collected by the Licence Inspector under this bylaw shall be paid forthwith to the Treasurer of Saanich who shall deal with the said fees in the manner provided by the Act.

7. An application for a licence to carry on a type of business listed in Schedule "B" shall be treated as an application for an Intermunicipal Business Licence and the Licence Inspector shall only issue an Intermunicipal Business Licence in respect of such business.
8. (a) 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, PROVIDED HOWEVER 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.

(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 licenced theatre or other licenced place, shall be one day.
9. (a) No person shall carry on a resident business in or from any premises in Saanich other than those specified on a valid and subsisting Business Licence.

(b) A separate business licence shall be obtained in respect of each premises in or from which a business is carried on.

(c) No person shall change his place of business without first obtaining a transfer of his licence in respect thereto and the particulars of such transfer shall be endorsed on the licence by the Licence Inspector.

(d) No person, being the holder of a non-resident Business Licence, shall carry on such business in or from premises located within Saanich.
10. The Council hereby delegates to the Licence Inspector the authority to suspend or cancel a business licence for reasonable cause.
11. The Licence Inspector and any of his inspectors are hereby authorized to enter at all reasonable time upon any property for the purpose of administering and enforcing this bylaw.
12. Every licence shall be considered as a personal licence to the licensee and shall not be transferable to any other person.
13. 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 so or refrains from doing anything to be done by this bylaw, or who does

any act or thing which violates any of the provisions of 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.

14. This Bylaw will come into effect on January 1, 2002.
15. Bylaw No. 8031, being the "Business Licence Bylaw, 1999" is hereby repealed on January 1, 2002 except insofar as it repeals any other bylaw.

Includes Bylaw Amendment No. 8856

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

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

**Schedule "B"
Intermunicipal Business Categories**

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	