



Public Input Information Package

March 22, 2021 at 7:00 pm

*Electronic meeting in accordance with
Ministerial Order M192*

Business Licence Bylaw

Proposed Bylaw:	Business Licence Bylaw No. 778, 2021
Purpose:	A bylaw for the licencing and regulation of businesses in the District of Sooke.

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*Please note that written and verbal submissions will
become part of the public record.*

Printed March 9, 2021

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Notice of New Business Bylaw

(pursuant to section 59 of the
Community Charter)

Business Licence Bylaw
Bylaw No. 778, 2021

NOTE: Council meetings are being held in an electronic format due to the COVID-19 pandemic. Members of the public are welcome to attend the electronic meeting. Please see instructions for public input below.

In accordance with s. 59(2) of the *Community Charter*, notice is hereby given that the District of Sooke Council will consider third reading of, with the intent to adopt at a subsequent meeting, "Business Licence Bylaw No. 778, 2021" at the **March 22, 2021** Regular Council meeting.

Date: **Monday, March 22, 2021**
Meeting Time: **7:00 p.m.**
Place: **Electronic meeting in accordance with Ministerial Order M192.**

The purpose of this bylaw is to modernize the District's Business Licence Bylaw including updated definitions and licence types, provisions for exemptions, suspensions and cancellations, and additional considerations for specific business types.

Copies of the proposed bylaw are available for public inspection starting **Wednesday, March 10, 2021** until **Monday, March 22, 2021** on the District's website www.sooke.ca, as well at the front reception counter of the District of Sooke Municipal Hall, between the hours of 8:30 a.m. and 4:30 p.m., excluding weekends and statutory holidays.

Public Input:

Due to the current COVID-19 environment, the Province has provided local governments directive in the form of Ministerial Order M192 enabling Councils to hold electronic meetings. Members of the public are invited to address Council and share their views regarding the proposed bylaw in one of the following ways:

1. **Submit written comments to Council**

Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email corp@sooke.ca or deliver in person to the Corporate Officer at the District Municipal Offices no later than **Monday, March 22, 2021 at 12:00 pm.**

2. **Register to Speak Live**

You can register to speak live via phone. Once registered, you will be provided with a phone number and instructions to call to join the live meeting. To register to speak live and to receive further instructions, email corp@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Monday, March 22, 2021 at 12:00 pm.**

3. **Register to Participate Electronically**

If you have a webcam and microphone, you can register to participate via a Microsoft Teams Meeting with a valid email address. Once registered, an invitation to participate will be sent to your email. To register to participate electronically, email corp@sooke.ca or phone 250-642-1634. The deadline to register to speak live is **Monday, March 22, 2021 at 12:00 pm**

Only registered participants will be admitted to the meeting. Please be advised that the opinions you express orally and any submissions to Council will become part of the public record and are subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.

Carolyn Mushata
Corporate Officer

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Proposed Changes to Business Licence Bylaw and Business Licence Policy

RECOMMENDATION:

1. THAT Council give first and second reading to the bylaw cited as Business Licence Bylaw No. 778, 2021; and
THAT Council direct staff to give notice of the proposed bylaw change in accordance with section 59 of the *Community Charter*.
2. THAT Council adopt CO-012 Business Licence Policy; and
THAT Council rescind Policy 9.5 Business Licence Policy, 2007

Report Summary:

The District's Business Licence Bylaw was first adopted in 2007, introducing the concept of business licencing to Sooke and outlining the process for issuing first-time licences. After 14 years and three amendment bylaws, Sooke's business landscape has shifted to the point where a new Business Licence Bylaw is in order.

Council has identified a review of the Business Licencing Bylaw as a Strategic Priority and provided staff with direction regarding items for inclusion in the updated bylaw. Staff have reviewed local government best practices and identified additional areas for improvement based on bylaw enforcement and compliance experience.

Draft versions of a new Business Licence Bylaw and a new Business Licence Policy are attached for Council consideration.

Previous Council Action:

Council adopted Bylaw No. 301, Business Licence Bylaw, in October 2007.

- Amended by Business Licence Amendment Bylaw No. 394 (301-1), 2009 to clarify that a Business Licence is not a representation or warranty that the licenced business complies with any or all enactments.
- Amended by Business Licence Amendment Bylaw No. 753 (301-2), 2019 to add a category for non-profit organizations.
- Amended by Business Licence Amendment Bylaw No. 757 (301-3), 2019 to remove Schedule A and add reference to the District's Fees and Charges Bylaw.

On May 13, 2019, Council directed staff to update definitions and licence types and to address licence suspensions/cancellations, exemptions, and cannabis applications. At this time a resolution was also passed to bring forward an amendment to modernize the District's Business Licence Policy.

Report:

General changes included in draft Business Licence Bylaw, 2021

1. Updated definitions and removal of unnecessary terms and language throughout.
2. Reformatted to more closely mirror application and licencing process for improved readability.
3. Added reference to Inter-Community Business Licences, a new licence category approved in 2018 with the adoption of [Inter-Community Business Licence Bylaw No. 702, 2018](#).
4. Added provisions for licence suspensions and cancellations.
5. Provided clarity regarding licencing exemptions.
6. Removal of Schedule A - Intermunicipal Business Categories.
 - Businesses listed in Schedule A of Bylaw 301 do not represent an inclusive list and are provided as examples only. Furthermore, the District has an Intermunicipal Business Licence Agreement Bylaw in place that also includes a list of businesses that may be considered for intermunicipal licencing. Staff do not rely on these example lists when determining licence types, but rather, they work with applicants to determine if their business meets the intent of the intermunicipal licencing agreement.

Added definitions and provisions for specific business types:

1. Addition of Vehicles for Hire
 - Identified by staff as a business type requiring further definition.
 - Vehicles for hire, including both taxis (Passenger Directed Vehicles or PDV) and ride-hailing services (Transportation Network Services or TNS), are legislated under the BC *Passenger Transportation Act*.
 - Current practice is that taxi offices and/or call centres in Sooke require a business licence, but individual vehicles do not. The provisions proposed in sections 42 and 43 clarifies this practice and extends it to ride-hailing services. An additional provision has been added to state that drivers require provincial authorization to operate a vehicle for hire.
2. Addition of Farm Stands and Farm Retail Sales
 - Identified by staff as a business type requiring further definition.
 - Sections 44 and 45 are recommended by staff to provide clarity on licencing requirements.
3. Addition of Cannabis Retail Stores
 - Council direction to include licencing of Cannabis Retail Stores in Business Licence Bylaw.
 - Requirements included in sections 46 and 47 reflect current practice.
4. Addition of Mobile Food Vendors
 - Identified by staff for further definition.

- Sections 48 - 50 reflect current practice and incorporate Council preference for use of compostable materials, as directed during the Food Trucks in Parks pilot program.

Short-term vacation rentals have not been addressed specifically in the bylaw, pending further recommendations from the Community Economic Development Committee and subsequent direction from Council.

Staff have reviewed Intermunicipal Business Licence Agreement Bylaw No. 46, 2001 and [Inter-Community Business Licence Bylaw No. 702, 2018](#) and determined that neither bylaw requires updating in conjunction with the newly proposed Business Licence Bylaw No. 778, 2021.

Draft Business Licence Policy changes

Business Licence Policy No. 9.5 was also written in 2007 when business licencing was first introduced in Sooke. The policy contains time-specific references to the first years of the business licence program's operation and requires updating.

The draft Business Licence Policy CO-012 is proposed as a complement to the new Business Licence Bylaw and provides additional guidance to staff and applicants. The policy has also been reformatted in accordance with the recently adopted Policy Framework.

Next Steps

Should Council wish to move forward with the new Business Licence Bylaw, public notification is required under section 59 of the Community Charter, which states (in part):

- (2) Before adopting a bylaw under subsection (1) or section 8 (6) [*business regulation*], a council must
 - (a) give notice of its intention in accordance with subsection (3), and
 - (b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.
- (3) Notice required under subsection (2) (a) may be provided in the form and manner, at the times and as often as the council considers reasonable.

Legal Impacts:

Licensing Authority: The Community Charter provides BC municipalities with the authority to regulate, prohibit, and impose requirements in relation to a number of broadly stated spheres of jurisdiction. The fundamental regulatory authority of councils is found in section 8 of the Community Charter. Based on having the authority to regulate these spheres, council may, through the authority set out in section 15 of the Community Charter, provide for a system of licenses.

Budget/Financial Impacts:

No changes are proposed to business licencing fees at this time.

Strategic Relevance:

- Build a reputable organization - Support Council and staff with the necessary tools to provide excellent governance and customer service

Attached Documents:

[778 - Business Licence Bylaw, 2021](#)

[Business Licence Bylaw No. 301 - Consolidated](#)

[CO-012 Business Licence Policy](#)

[Policy 9.5 Business Licence 2007](#)

Approved by

Carolyn Mushata, Corporate Officer

Norm McInnis, Chief Administrative Officer

None

None



DISTRICT OF SOOKE BUSINESS LICENCE BYLAW No. 778

A bylaw for the licencing and regulation of businesses in the District of Sooke.

Citation

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as “Business Licence Bylaw No. 778, 2021”.

Definitions

2. For the purpose of this bylaw, unless the context otherwise requires:

Applicant means 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.

Business means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit within the District.

Cannabis Retail Store is as defined in the Zoning Bylaw.

Commercial includes all types of business not otherwise specifically enumerated in this bylaw, and is further defined as either:

- (1) **Commercial Small** means a business, operating from a premises under 5,000 sq. m.; or
- (2) **Commercial Large** means a business, operating from a premises over 5,000 sq. m.

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 District of Sooke.

Daily Licence means a one-day business licence required for craft fairs, exhibitions or other itinerant shows, entertainment, or special events.

Daycare Centre means a business in or at one home, office, facility, or other premises and licensed pursuant to the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation*.

Direct Seller means a person that sells or offers goods for sale by personally attending the premises of a resident of the District without the prior invitation of the resident.

District means the District of Sooke.

Farm is as defined in the Zoning Bylaw.

Farmer's Market means the carrying on of a business that organizes a group of vendors to gather in a temporary, open-air market located outdoors for the purpose of selling food and artisan products to the public.

Farm Retail Sales means a business licenced for retail sales of altered natural farm products.

Farm Stand means a business that sells agricultural items that are grown, or raised on that property, in a natural, unaltered state.

Fees and Charges includes the fees outlined in the District's Fees and Charges Bylaw, as may be replaced or amended from time to time.

Home Based Business is as defined in the Zoning Bylaw.

Inter-Community Business Licence means a valid licence issued by the District or another participating municipality, in accordance with the Inter-Community Business License Bylaw as may be replaced or amended from time to time, and will be in addition to a municipal business licence.

Intermunicipal Business Licence means a valid licence issued by the District or another participating municipality, in accordance with the Intermunicipal Business License Agreement Bylaw, as may be replaced or amended from time to time.

Licence Inspector means a person appointed by Council to serve as the Business Licencing Inspector for the District and also any duly authorized representative lawfully acting in that capacity.

Licence means a business licence issued for one of the following classifications, as may be further defined in this bylaw:

- (1) Home-Based
- (2) Intermunicipal
- (3) Commercial Small
- (4) Commercial Large
- (5) Non-Resident
- (6) Daily
- (7) Direct-Seller
- (8) Peddler
- (9) Inter-Community

Licensee means the person to whom a business licence has been issued.

Mobile Food Vendor includes both motorized and non-motorized mobile carts, vehicles, and trailers that are equipped to cook, prepare, or serve food or beverages.

Non-Resident Business means a business that is not located within the jurisdiction of the District but whose work or service is performed in the District.

Passenger Directed Vehicle (PDV) Authorization is as defined in the *Passenger Transportation Act*.

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 kitchen wares but does not include a farm stand or mobile food vendor.

Person has the meaning ascribed to it by the *Interpretation Act* and 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.

Transportation Network Services (TNS) Authorization is as defined in the *Passenger Transportation Act*.

Zoning Bylaw means the Sooke Zoning Bylaw as may be replaced or amended from time to time.

Application

3. This bylaw applies to all land (including water), buildings, or structures within the boundaries of the District, subject to provincial and federal enactments.

Licence Required

4. No person shall carry on any business within the District, unless they are the holder of a valid licence pursuant to this bylaw, or a valid Intermunicipal Business Licence or Inter-Community Business Licence.
5. A separate license must be obtained for each premises used for business purposes.

Exemptions

6. Despite section 4 of this bylaw, no licence is required for:
 - (1) Any activities carried on by the government, its agencies or government owned corporations; or
 - (2) Any business operating solely on Federal Crown Land; or
 - (3) Farm Stands; or
 - (4) An educational course or program provided by a community or continuing education facility, or by a school pursuant to the "School Act, S.B.C. 1996" or successor legislation, including fundraising activities to support such programs; or
 - (5) Non-profit, philanthropic, charitable, or religious organizations with supporting documentation; or
 - (6) Any performance, concert, exhibition or entertainment, or community event in which the entire proceeds, above actual expenses, are devoted to any charitable purpose.
 - (7) Vehicle for Hire services provided by persons with a valid Passenger Directed Vehicle (PDV) or Transportation Network Service (TNS) Authorization issued by the Passenger Transportation Board. A business licence is required for any premises from which the business operates.

Licensing Authority

7. The Licence Inspector is hereby authorized to grant, refuse, or suspend licences as hereinafter provided and subject to the provisions of the appropriate sections of the *Community Charter*.
8. The applicant remains responsible to ensure compliance with all District bylaws and Provincial and Federal enactments. Issuance of a business licence by the District is not a representation that a business is compliant with federal, provincial, and municipal laws, bylaws, and regulations.

9. The Licence Inspector may grant a business licence once satisfied that the applicant has fulfilled the requirements of this bylaw, the application has successfully proceeded through the District's internal review process, where required; and that all licence fees, and any outstanding fees or fines owed to the District in relation to the business, or any other business operated by the same applicant have been paid.
10. The Licence Inspector shall have the power to refuse or revoke a business licence subject to the provisions of the *Community Charter*, including where a business:
 - (1) Has failed to comply with a term or condition of the licence;
 - (2) The premises cease to comply with a bylaw regulating building, land use, health, fire, environmental, or business issues;
 - (3) In application for a licence, the applicant was guilty of misrepresentation, nondisclosure, or concealment of any material fact relating to the subject matter of the licence or required to be stated in, the application.
11. The Licence Inspector shall have the power to suspend a business licence, subject to the *Community Charter*, provided that:
 - (1) The suspension is for a set period of time as determined by the Licence Inspector; and
 - (2) The Licence Inspector may impose additional terms and conditions that the licensee must meet in order to obtain a business licence at the end of the suspension period.
12. The suspension or revocation of a business licence must be made in writing, signed by the Licence Inspector and delivered to the licensee by registered mail or email to the address given in the application for the business licence.
13. A notice of such revocation or suspension of a business 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 business licence is reinstated, the licensee or former licensee ceases to occupy the premises, or a new business other than the one carried on by the licensee or former licensee is started on the premises.
14. No refund shall be made in respect of any part of the fee paid for a business licence that has been revoked or suspended.
15. Pursuant to the *Community Charter*, and in accordance with the District's Intermunicipal Business Licence Agreement Bylaw and Inter-Community Business Licence Bylaw as applicable, if the License Inspector refuses to

issue a business licence, or it is suspended or revoked the applicant is entitled to have Council reconsider the matter.

16. The Licence Inspector must notify the applicant affected by the decision of their right to have the matter reconsidered by Council, in which case the following procedures shall apply:
 - (1) An applicant or licensee who wishes Council to reconsider a Licence Inspector's decision must provide a written request stating the grounds upon which the request is based.
 - (2) The District will notify the applicant or licensee of the time and place at which Council will reconsider the decision. The applicant or licensee or their representative may appear before Council and present their reasons for the appeal, and upon such appeal Council may confirm or set aside the decision of the License Inspector.

Intermunicipal Business Licences

17. Subject to the District's Intermunicipal Business Licence Agreement Bylaw, the Licence Inspector is hereby authorized to issue, suspend, or revoke Intermunicipal Business Licences for businesses that have an office location within the District.

Inter-Community Business Licences

18. Subject to the District's Inter-Community Business Licence Bylaw, the Licence Inspector is hereby authorized to issue, suspend, or cancel Inter-Community Business Licences for businesses that have an office location within the District.
19. An Inter-Community Business Licence shall be valid for the mobile portions of the business only. A separate licence shall be required for the business premises.

Licence Applications

20. The application for a business licence shall be in the form(s) prescribed by the Licence Inspector.
21. The Licence Inspector is authorized to modify the forms prescribed, or any of the administrative procedures prescribed as deemed necessary.
22. The duly completed application form(s) shall be provided to the Licence Inspector and shall be accompanied by the fees and charges specified in the Fees and Charges Bylaw.

23. No licence shall be issued until the applicable fees and charges have been paid to the District.
24. The License Inspector may require additional documentation to be submitted in support of a business licence application, including but not limited to:
 - (1) A site plan;
 - (2) A plan or sketch showing the layout of the proposed location and floor area of the business and parking locations;
 - (3) Confirmation by a competent authority satisfactory to the Licence Inspector of compliance with applicable provincial or federal regulations;
 - (4) Other documentation as deemed necessary by the Licence Inspector.
25. Any person applying for a business licence in an occupation that is within the jurisdiction of the Ministry of Advanced Education, Training and Technology must present proof of Trade Qualification at the time of application.
26. Every application for an initial business licence must comply with the Zoning Bylaw, the District Building Bylaw, and the *BC Fire Code* as amended or replaced from time to time.
27. No person shall make any material misrepresentations on a business licence application.

Licence Fees

28. Annual business licence fees and charges, with corresponding licence classification are set out in the District's Fees and Charges Bylaw.
29. A licence fee as prescribed in the District's Fees and Charges Bylaw shall be reduced by one-half in respect of a person who becomes liable to be licenced after July 31st in any year.
30. No refund of the annual licence fees and charges shall be made because the licensee ceases to do business at any time. A licence fee shall be refunded only if the application is withdrawn prior to issuance of the business licence or if issuance of a business licence is refused.

Licence Periods

31. Except as hereinafter provided, licences shall be annual for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each and every year.

32. The period for a licence with respect to a craft fair, exhibition or other itinerant show or entertainment shall be one day when held elsewhere than in a licenced place.

Display of Licence

33. A business licence must be prominently displayed in a conspicuous place in the premises, place, or structure in which the business is carried out or undertaken and for which the licence was issued.

Licence Changes

34. For the purpose of this section, “change” means:
- (1) A change to the location of the premises for which the licence was issued; or
 - (2) A change to the name of the business; or
 - (3) A change to a term or condition on which the licence was issued; or
 - (4) A change that would increase the fees and charges payable by the licensee under the District’s Fees and Charges Bylaw.
35. Before undergoing any change listed in section 36, the licensee must apply to the Licence Inspector for a licence change on the form provided for that purpose.
36. A licensee applying for a change under section 36(4) must, at the time of making the application, pay to the District the amount by which the fees and charges will increase.
37. Licensees shall not make any change to their business without first obtaining the approval of the Licence Inspector.
38. A request for a licence change shall be refused by the Licence Inspector where the premises to which the applicant wishes to transfer the licence does not comply with the requirements of the bylaws of the District.
39. Upon ceasing operations, a licensee shall notify the Licence Inspector that the licence is no longer required and shall surrender the business licence to the Licence Inspector.

Municipal Property

40. No person shall conduct business on any municipal property unless permission is obtained from the District though a licence of occupation, contract, permit, or other approval deemed appropriate by the District.

41. Any person or business seeking a licence to conduct business on municipal property must obtain and provide proof of liability insurance in an amount and terms deemed appropriate by the District.

Vehicles for Hire

42. Every person who provides vehicle for hire services must carry a copy of their valid Passenger Directed Vehicle (PDV) or Transportation Network Services (TNS) Authorization, in their vehicle at all times while engaged in the business.
43. A valid business licence is required for a taxi stand, taxi office, home office, call/dispatch center, or other similar business location within the District.

Farm Retail Sales and Farm Stands

44. Persons that sell baked, canned, or otherwise altered natural food products, artwork, or handcrafted items, are required to apply for, and obtain a business licence for Farm Retail Sales. This use does not include the retail sale or dispensing of cannabis.
45. Persons that operate a Farm Stand are not required to hold a valid business licence in accordance with section 8 of this bylaw.

Cannabis Retail Stores

46. An application for a business licence to operate as a Cannabis Retail Store shall be accompanied by the following, to the satisfaction of the Licence Inspector:
 - (1) A copy of a valid provincial cannabis retail store licence from the Provincial Liquor and Cannabis Regulation Branch.
 - (2) A Letter of Assurance from qualified professionals that the ventilation plan mitigates offensive odours.
47. Persons operating a Cannabis Retail Store must maintain at all times a valid and subsisting provincial cannabis retail store licence from the Provincial Liquor and Cannabis Regulation Branch.

Mobile Food Vendor

48. An application for a business licence to operate as a Mobile Food Vendor shall be accompanied by the following, to the satisfaction of the Licence Inspector:
 - (1) Evidence of approval from Vancouver Island Health Authority.

- (2) Details of each location within the District on which the applicant intends to operate the business; and
 - (3) The written consent of the property owner of each location on which the applicant intends to operate the business.
49. A Mobile Food Vendor business shall be operated so as not to impede other vehicles, pedestrian movement, or access for public or emergency vehicles on or to any property.
50. Sufficient and suitable garbage collection containers shall be provided and maintained, and the area around the business shall be kept free of any waste material originating from the business. Licensees are encouraged to utilize compostable food containers and utensils where possible.

Prohibitions

51. No person shall carry on a business in or from any premises in the District other than those specified on a valid and subsisting business licence.
52. No person, being the holder of a Non-Resident Business Licence, shall carry on such business in or from premises located within the District.
53. No person shall occupy or permit occupancy of a new or remodeled premises for the purpose of carrying on a business unless the Building Inspector of the District has issued an Occupancy Permit for such premises in accordance with the District's Building Bylaw.

Enforcement

54. The Licence Inspector, or any appointed officer of the District are designated to enforce this bylaw pursuant to section 264 of the *Community Charter*.
55. Pursuant to section 264 of the *Community Charter*, every Licence Inspector, Fire Inspector, Building Inspector, and Bylaw Enforcement Officer of the District may enter at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.

Offence and Penalty

56. Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$50,000.00.

57. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
58. The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264 of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
59. The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence in Column 1.

Severability

60. If a portion of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, the invalid portion shall be severed, and the validity of the remainder shall not be affected.

Repeal

61. "Bylaw No. 301, Business Regulation Bylaw", as amended, is hereby repealed.

Schedules

62. The following schedules are included and form part of this bylaw.

Schedule A – Municipal Ticket Information Designations

READ a FIRST time the day of , 2021.

READ a SECOND time the day of , 2021.

READ a THIRD time the day of , 2021.

PUBLIC INPUT held the day of , 2021.

ADOPTED the day of , 2021.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A**Municipal Ticket Information Designations**

Offence	Bylaw Section No.	Fine
Operating a business without a valid licence	4	Fine equal to double the applicable licence fee
Operating in contravention of business licence	10	\$200.00
Failure to obtain approval for change to business	37	\$100.00
Operating under a non-resident Business Licence	52	\$100.00



DISTRICT OF SOOKE BUSINESS LICENCE BYLAW No. 301

CONSOLIDATED FOR REFERENCE JANUARY 1, 2020

BYLAW No. 301, *BUSINESS LICENCE BYLAW, 2007*
BYLAW No. 394, *BUSINESS LICENCE AMENDMENT BYLAW, (301-1)*
BUSINESS LICENCE AMENDMENT BYLAW No. 753, (301-2)
BUSINESS LICENCE REGULATION AMENDMENT BYLAW No. 757 (301-3), 2019

THIS BYLAW IS PROVIDED FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE RELIED UPON IN MAKING FINANCIAL OR OTHER COMMITMENTS. COPIES OF THE ORIGINAL BYLAW AND AMENDMENTS MAY BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

A bylaw respecting licences for carrying on business within the District of Sooke and for fixing the fees for such licences.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as Bylaw No. 301, *Business Licence Bylaw, 2007*.
2. For the purpose of this bylaw, unless the context otherwise requires:

Act means the *Community Charter* as amended from time to time;

Agent means a person or persons who act(s) on behalf of another person or persons by authority from them to do business within the District of Sooke and who charges or receives a commission or other payment for so doing;

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, non-profit, 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 Business for which a Charitable, Non-Profit, Philanthropic or Religious Organization, Government Service, Home Based, Inter-municipal, Daily, Non-resident, Direct Seller or Peddler Licence is required; [Bylaw No. 753 (301-2), November 18, 2019]

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 District of Sooke;

Daily Licence means a one-day Business Licence required for craft fairs, exhibitions or other itinerant shows, entertainment or special events;

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 the District of Sooke;

Home Based Business means a Business carried on as a home occupation, accommodation rental, business, craft or profession conducted for revenue generation, which is clearly incidental to the use of a dwelling unit for residential purposes, or to the residential use of a lot occupied by a dwelling unit;

Intermunicipal Business Licence Agreement means the agreement attached to and forming part of Bylaw No. 46, *Intermunicipal Business Licence Agreement Bylaw* and amendments;

Intermunicipal Licence means a business licence issued by the Licence Inspector of the District of Sooke 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 means a licence to carry on business in the District of Sooke issued pursuant to this bylaw;

Licence Inspector means a person appointed by Council to serve as the Licence Inspector for the District of Sooke and also any duly authorized representative lawfully acting in that capacity;

Participating Municipality means a municipality which is a party to the Intermunicipal Business Licence Agreement and standardization of Business Licence fees;

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 District of Sooke;

Non-Resident Business means a business, other than a resident business, carried on within the District of Sooke or with respect to which any work or service is performed within the District of Sooke.

Street Market means a seasonal market held on property zoned for that purpose as regulated by the Sooke Zoning Bylaw, at which a Business may display and sell wares and services with a valid Business License issued by the District of Sooke.

Trade Qualification means written evidence that a person has completed an apprenticeship or is certified for a specific trade with the Ministry of Advanced Education, Training and Technology

3. (a) Subject to the applicable section of the *Community Charter*, no person shall carry on within the District of Sooke, 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 District of Sooke the Licence fee specified in the District's *Fees and Charges 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. Those categories of Businesses set out in District's *Fees and Charges Bylaw* are established as categories of Businesses for the purposes of this bylaw. [Amended by Bylaw No. 756 (301-3), December 9, 2019]

- (b) Notwithstanding Section 3(a), no Licence is required for:
- (i) any performance, concert, exhibition or entertainment; or
 - (ii) community events that utilize municipal property or facilities or the Elementary and Secondary Schools.

the entire proceeds of which, above actual expenses, are devoted to any charitable purpose;

c) With written approval from the District of Sooke, a person or business may operate on municipal property, including but not limited to wharf facilities, parks, boulevards, streets and roads. Any person or business seeking a licence to conduct business on municipal property must obtain liability insurance in the amount of Two Million Dollars (\$2,000,000.00) for personal injury, death and property damage; as well as (if applicable) vehicle insurance. The liability insurance must contain a clause indemnifying the District of Sooke from liability in the event of injury or damage being done to any person or property as a result of any activity of the business, and contain a clause that the insurance cannot be terminated without a thirty day notification of such to the District of Sooke. Proof of such insurance must be submitted to the satisfaction of the Director of Finance or Licence Inspector prior to the granting of a License.

4. The Licence Inspector shall have power to grant issue or transfer licences as hereinafter provided and subject to the provisions of the appropriate sections of the *Community Charter* and amendments thereto.
4. (a) The issuance of a Licence shall not be deemed to be a representation or warranty by the District of Sooke that the Business or proposed Business complies with any or all applicable bylaws or enactments. The Business owner remains responsible to ensure compliance with all bylaws and enactments. (Amended by Bylaw No. 394 March 16, 2009)
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.
- (a) The duly completed application form shall be provided to the Licence Inspector and shall be accompanied by the fee specified in the District's *Fees and Charges Bylaw*. [Amended by Bylaw No. 756 (301-3), December 9, 2019]

- (b) The application form may be accompanied by appropriate plans and layouts of the resident business indicating Building Code and bylaw compliance and square footage.
 - (c) 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.
6. Any person applying for a Business Licence in an occupation that is within the jurisdiction of the *Ministry of Advanced Education, Training and Technology* must present proof of Trade Qualification at the time of application.
7. An application for a Licence to carry on a type of business listed in Schedule A 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 if its principal office is located in the District of Sooke. *[Amended by Bylaw No. 756 (301-3), December 9, 2019]*
8. All Intermunicipal Business Licences issued by the participating municipalities are subject to all bylaws within the jurisdiction in which they are working.
9. (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) A Business Licence must be prominently displayed in the sales or reception area of a premise to which the public has access. A business that holds an Intermunicipal Business Licence must at all times keep its Business Licence or legible copy thereof.
- (c) The period for a Licence with respect to a craft fair, exhibition or other itinerant show or entertainment shall be one day when held elsewhere than in a licenced theatre or other licenced place.
- (d) A Licence for a street market is valid for the year in which the licence is issued and is not subject to a half-year fee if purchased after the thirty-

first day of July in any one year and application shall be for a regular Commercial Licence.

10. (a) No person shall carry on a Resident Business in or from any premises in the District of Sooke 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 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 the District of Sooke.
- (e) No person or occupier of a property shall conduct more than three garage sales within one calendar year without first obtaining a Business License. Each such sale shall be not longer than 3 consecutive days.
11. Every Licence shall be considered as a personal licence to the licensee and shall not be transferable to any other person, without approval from the Licence Inspector.
12. The Licence Inspector shall have the power to refuse, suspend or cancel a Licence subject to the provisions of the Act.
13. The Licence Inspector, Building Inspector or Official, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the District of Sooke are hereby authorized to enter at all reasonable times, any house, premise, vehicle or other place in respect of which a licence has been applied for or granted pursuant to this Bylaw, to ascertain whether the regulations and provisions of this, or any other Bylaw or amendments thereto relating to business in the District of Sooke are being observed.
14. The Licence Inspector, Building Inspector or Official, Fire Chief, Bylaw Enforcement Officer or any appointed officer of the District of Sooke are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.
15. Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$10,000.00.

16. If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.
17. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
18. The words or expressions set forth in Column 1 of Schedule B of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions. *[Amended by Bylaw No. 756 (301-3), December 9, 2019]*
19. The amounts appearing in Column 3 of Schedule B of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1. *[Amended by Bylaw No. 756 (301-3), December 9, 2019]*
20. If a portion of this Bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder shall not be affected.
21. This bylaw shall come into effect on January 1, 2008.
22. Bylaw No. 45, *Intermunicipal Business Licence Bylaw* is hereby repealed on January 1, 2008 except insofar as it repeals any other bylaw.

Introduced and read a first time the 13th day of August, 2007.

Read a second time the 13th day of August, 2007.

Notice pursuant to section 59 of the *Community Charter* given the 5th day of September, 2007.

Public Information Meeting the 10th day of September, 2007

Read a third time the 9th day of October, 2007.

Adopted on the 15th day of October, 2007.

“original signed by:”

Janet Evans
Mayor

“original signed by:”

Evan Parliament
Chief Administrative Officer

SCHEDULE
Business Categories and Fees
(Bylaw No. 753, November 18, 2019)
[Deleted by Bylaw No. 756 (301-3), December 9, 2019]

Bylaw 301 - Rescindment Proposed

SCHEDULE A

[Amended by Bylaw No. 756 (301-3), December 9, 2019]

Intermunicipal Business Categories

(Includes but not limited to)


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

Bylaw 301 - Rescindment Proposed

SCHEDULE B
[Amended by Bylaw No. 756 (301-3), December 9, 2019]
Municipal Ticket Information Designations

Offence	Bylaw Section No.	Fine
No business licence	3.	Fine equal to double the applicable licence fee
Operating in contravention of Business Licence	10(a)	\$200.00
Failure to notify change of business address	10(c)	\$50.00
Operating under a non-resident Business Licence	10(d)	\$100.00

Bylaw 301 - Rescindment Proposed

	Policy Title: Business Licence Policy	Policy No: CO-012
	Authority: Council	Classification:
	Date Adopted:	Motion No:
Historical Changes: <ul style="list-style-type: none"> Replaces Policy 9.5. Business Licence Policy, 2007 		

Purpose:

To establish governing principles and practices regarding the issuance of business licences.

Scope:

This policy is designed to provide guidance to staff regarding the administration of business licences, and to serve as a resource for persons seeking a business licence from the District of Sooke.

Definitions:

<i>Business</i>	means the carrying on of a commercial or industrial undertaking of any kind, or the providing of professional, personal, or other services for gain or profit within the District.
<i>District</i>	means the District of Sooke.
<i>Licence</i>	means a business licence issued by the District of Sooke.
<i>Licence Inspector</i>	means a person appointed by Council to serve as the Business Licensing Inspector for the District and also any duly authorized representative lawfully acting in that capacity.

1. Business Licensing Principles:

- 1.1 Business licences promote safe and legitimate business premises and operations within the District of Sooke.
- 1.2 Under the District's Business Licence Bylaw, all businesses operating in the District are required to have a valid Business Licence.

2. Business Licence Approvals

- 2.1 Applicants must complete a business licence application form available from the District of Sooke Municipal Hall or the District website at www.sooke.ca.
- 2.2 Electronic business licence applications may be completed online using the [BizPal BC](#) or [One Stop Business Registry](#) platforms.
- 2.3 In consultation with the applicant, the Licence Inspector will ensure an application is made for the appropriate licence type.
- 2.4 The License Inspector may require additional documentation to be submitted in support of a business licence application and will advise applicants accordingly.
- 2.5 Home-based and commercial businesses are required to submit an interior floor plan and an owner's authorization form if the applicant is not the property owner.

- 2.6. Upon receipt of a completed business licence application, the Licence Inspector will determine the internal application review process required.
- 2.7. For home-based and commercial businesses, departmental approval is required as follows:
 - a) **Planning:** The Planning department will review the zoning of the subject property and ensure compliance with the District's Zoning Bylaw.
 - b) **Building:** Applicants may be required to obtain building or plumbing permits and complete repairs or alterations necessary to bring a premises into compliance with the BC Building Code. The Building department will review outstanding permits and ensure final occupancy has been granted before a business licence will be issued. The Building department may conduct on-site visits, as necessary.
 - c) **Fire:** The Fire Inspector will conduct an on-site visit to ensure fire safety requirements are met as per the *BC Fire Code*.
- 2.8. Applicants will be informed of non-compliance issues and be given the opportunity to correct any deficiencies or to withdraw the application.

3. Business Licence Compliance

- 3.1. The Licence Inspector will conduct regular inspections of residential, commercial, and industrial areas to detect new businesses that may not be licenced under the Business Licence Bylaw.
- 3.2. The Licence Inspector will conduct inspections, upon complaint or with notification from other departments, regarding new and unlicensed businesses.
- 3.3. The Licence Inspector shall issue a Business Licence Application, by email, mail, or personal delivery, to an unlicensed business. Provided an unlicensed business is zoned appropriately and a business licence application has been submitted, the business will be permitted to continue to operate until the business licence application has been approved and issued however, the business may be issued a weekly fine for operating without a licence after three weeks time from the date the complete application is received. Where applicable, the registered owner of the property shall be notified by mail that an unlicensed business is operating on their property.

References:

Policy Number:	CO-012
Policy Owner:	Bylaw Enforcement
Endorsed by:	Leadership Team
Final Approval:	
Date Approved:	
Review Date:	
Revision Date:	
Related Policies:	
Related Publications:	<ul style="list-style-type: none"> • Business Licence Bylaw • Intermunicipal Business Licence Agreement Bylaw • Inter-Community Business Licence Bylaw

Contact Information:

Position: Director of Corporate Services



Business Licence Policy, 2007

Policy Statement:

The Business Licence Inspector will enforce, proactively and upon public complaint, Bylaw No. 301, *Business Licence Bylaw, 2007* and amendments with respect to licencing of business owners who are conducting their business or trade in the District of Sooke.

Policy Procedure:

1. In accordance with Bylaw No. 301, *Business Licence Bylaw, 2007* the District of Sooke accepts applications for Business Licences.
2. All applicants must complete an application form (Schedule A), available from the District of Sooke Municipal Hall or the District website (www.sooke.ca), submit all required information, and pay the designated fees.
3. The Business Licence Guide (Schedule B) provides guidance to the Licence Inspector as to the Business Licence Category that may be required for certain businesses under the *Business Licence Bylaw, 2007*.

Approval of Business Licence Applications

- 4.1 For the first year Bylaw 301, *Business Licence Bylaw, 2007* is in effect (2008) and upon receipt of a Business Licence Application and payment of the Business Licence fee, the Business Licence Inspector will issue a Business Licence without review.
- 4.2 After the initial start up year for the Business Licence Bylaw (2008) and upon Receipt of Business Licence Application, the Business Licence Inspector will forward the application for approval to the following departments:
 1. Planning
 2. Building
 3. Fire

- 4.3 The Planning department will review municipal bylaws and other development management regulations and approve the licence if it meets all applicable bylaws and regulations. If it does not, the application is returned to the Business Licence Inspector, along with a memorandum detailing why it was not approved. At this point, the Business Licence Inspector informs the applicant who either withdraws the application or addresses the non-approval issue.
- 4.4 After the Planning department has approved the application, the Building Inspector and the Deputy Fire Chief/Inspector will conduct a site visit and approve the licence if it meets all applicable bylaw and regulations (ie. *Building Regulation Bylaw, Fire Protection Services Bylaw, Fire Code*, etc.).
- a. If the application is not approved, the Building Inspector and the Deputy Fire Chief/Inspector will advise the applicant of the deficiencies, in writing, and a return inspection is scheduled within 7 to 28 days. The Building Inspector and the Deputy Fire Chief/Inspector will conduct the second inspection and approve the licence if all of the deficiencies have been corrected.
 - b. If the licence cannot be approved after the second inspection, the Building Inspector and the Deputy Fire Chief/Inspector will advise the applicant of the deficiencies and schedule a re-inspection within 7 to 28 days. The Building Inspector and the Deputy Fire Chief/Inspector will conduct the third inspection.
 - c. If the licence cannot be approved after the third inspection, the application is returned to the Business Licence Inspector, along with a memorandum detailing why it was not approved. The Business Licence Inspector will inform the applicant, who either withdraws the application or further addresses the non-approval issue, or if the business is already under way, forwards the application to the Bylaw Enforcement Officer to initiate enforcement procedures.
- 4.5 Upon approval of the licence by the Building Inspector and the Deputy Fire Chief/Inspector, the Business Licence Inspector will review the file to determine whether the application requires external approvals; ie. Health, RCMP, etc. Any external approvals are sought and the Business Licence Inspector will give the application a final review and issue the Business Licence.

Business Licence Enforcement

- 5.1 During 2008, the Bylaw Enforcement Officer will conduct regular inspections of residential, commercial and industrial areas in order to confirm compliance with the Business Licence Bylaw.
 - 5.2 The Bylaw Enforcement Officer will conduct regular inspections of residential, commercial and industrial areas in order to detect new businesses that may not be licenced in accordance with the Business Licence Bylaw.
 - 5.3 The Bylaw Enforcement Officer and/or the Business Licence Inspector will contact all business that do not renew their business licences by the first day of February in the calendar year following the expiration of the business licence. Enforcement measures under the Bylaw will be applied to all non-compliant resident businesses after February 1 of each calendar year.
 - 5.4 The Bylaw Enforcement Officer will conduct inspections, upon complaint or with notification from other departments, regarding new and unlicensed businesses.
 - 5.5 The Bylaw Enforcement Officer shall issue a Business Licence Application, by fax, mail or personal delivery, to an unlicensed business, and the business owner shall complete the application and return it, with proper remittance, to the Bylaw Services Division within fourteen (14) days of issuance. Provided an unlicensed business is in the correct zone, the business will be permitted to continue to operate until the business licence application has been approved and issued. Where applicable, the registered owner of the property shall be notified by mail that an unlicensed business is operating on their property.
-



Planning Department
2205 Otter Point Rd., Sooke B.C., V0S 1N0
Tel: 250.642-1634 Fax: 250.642-0541
www.sooke.ca

SCHEDULE A – BUSINESS LICENCE APPLICATION FORM

This application is submitted for the following:

- ☐ New Business ☐ Change of Address
☐ Change of Ownership ☐ Change of Name

Type of Business: (indicate one)

- | | |
|---|----------|
| <input type="checkbox"/> Home Based | Fee |
| <input type="checkbox"/> Intermunicipal | \$ 50.00 |
| <input type="checkbox"/> Commercial - Small (464.5 sq.m./5,000 sq.ft.) or less of gross floor area of buildings used for business | \$100.00 |
| <input type="checkbox"/> Commercial - Large (more than 464.5 sq.m./5,000 sq.ft.) of gross floor area of buildings used for business | \$125.00 |
| <input type="checkbox"/> Non-Resident | \$250.00 |
| <input type="checkbox"/> Daily - per day | \$100.00 |
| <input type="checkbox"/> Direct Seller | \$ 50.00 |
| <input type="checkbox"/> Peddler | \$ 50.00 |

Business Name: _____

Nature of Business: _____

Owner(s) Licencee(s) Name(s) _____

Ownership type (check one): ☐ proprietorship ☐ corporation ☐ partnership

Contact Person: _____

Business Location: _____

Business Mailing Address: _____

Business Phone No. _____ Fax No. _____ Email _____

Business Start Date: _____

Trade Qualification Number _____

Are you renovating or altering the premises? YES _____ NO _____ Building Permit No. _____

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

Applicant's Signature _____

Date _____

FOR OFFICE USE ONLY:

Date:	Received By:	File No:	Total Fees:
<input type="checkbox"/> Required Documents and Plans		<input type="checkbox"/> Additional Information Required (see Page 2)	
Department	Approval	Date	Comments
Planning			
Engineering			
Building			
Fire			
Police			
Health			
Licence Number:		Licence Year:	

FREEDOM OF INFORMATION NOTICE: Personal information contained on this form is collected under the *Freedom of Information and Protection of Privacy Act* and *Bylaw No. 301, Business Licence Bylaw, 2006* and will be used for the purpose of processing this application and for municipal statistics. Enquiries about the collection or use of information on this form may be directed to the Deputy Clerk.

SCHEDULE B (Policy No. 9.5, *Business Licence Policy, 2007*)

Business Licence Guide

Business

Type of Business Licence Required

Special Event (Art in the Park, Sooke Fine Arts) **

Not for Profit Organizer
For Profit Organizer
Each Vendor

NONE
Commercial or Non-Resident
Daily or Intermunicipal

Roadside Stands (ongoing)

Resident
Commercial undertaking non-resident
(location must be approved by
District of Sooke)

Home Based
Commercial or Peddler (vegetable & fruit)

Home Party Sales (products, art, crafts, etc.) **

Not for Profit Organizer
Resident Organizer for Profit
Each Vendor
Door to Door

NONE
Home Based
Daily or Intermunicipal
Direct Seller

Concerts, Exhibitions (School events, Sooke Fall Fair) **

Not for Profit Organizer
For Profit Organizer
Each Vendor

NONE
Commercial or Non-Resident
Daily or Intermunicipal

Garage Sale over 3 days

Resident
Non-Resident

Home Based
Commercial or Non-Resident

Street Market

(Licence is valid for the year in which the licence is issued)

Not for Profit Organizer
For Profit Organizer
Each Vendor

NONE
Commercial or Non-Resident
Daily or Intermunicipal

**Period of Licence for craft fair, exhibition other itinerant show or entertainment is ONE DAY.

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DISTRICT OF SOOKE BUSINESS LICENCE BYLAW No. 778

A bylaw for the licencing and regulation of businesses in the District of Sooke.

Citation

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as “Business Licence Bylaw No. 778, 2021”.

Definitions

2. For the purpose of this bylaw, unless the context otherwise requires:

Applicant means 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.

Business means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit within the District.

Cannabis Retail Store is as defined in the Zoning Bylaw.

Commercial includes all types of business not otherwise specifically enumerated in this bylaw, and is further defined as either:

- (1) **Commercial Small** means a business, operating from a premises under 5,000 sq. m.; or
- (2) **Commercial Large** means a business, operating from a premises over 5,000 sq. m.

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 District of Sooke.

Daily Licence means a one-day business licence required for craft fairs, exhibitions or other itinerant shows, entertainment, or special events.

Daycare Centre means a business in or at one home, office, facility, or other premises and licensed pursuant to the *Community Care and Assisted Living Act* and the *Child Care Licensing Regulation*.

Direct Seller means a person that sells or offers goods for sale by personally attending the premises of a resident of the District without the prior invitation of the resident.

District means the District of Sooke.

Farm is as defined in the Zoning Bylaw.

Farmer's Market means the carrying on of a business that organizes a group of vendors to gather in a temporary, open-air market located outdoors for the purpose of selling food and artisan products to the public.

Farm Retail Sales means a business licenced for retail sales of altered natural farm products.

Farm Stand means a business that sells agricultural items that are grown, or raised on that property, in a natural, unaltered state.

Fees and Charges includes the fees outlined in the District's Fees and Charges Bylaw, as may be replaced or amended from time to time.

Home Based Business is as defined in the Zoning Bylaw.

Inter-Community Business Licence means a valid licence issued by the District or another participating municipality, in accordance with the Inter-Community Business License Bylaw as may be replaced or amended from time to time, and will be in addition to a municipal business licence.

Intermunicipal Business Licence means a valid licence issued by the District or another participating municipality, in accordance with the Intermunicipal Business License Agreement Bylaw, as may be replaced or amended from time to time.

Licence Inspector means a person appointed by Council to serve as the Business Licencing Inspector for the District and also any duly authorized representative lawfully acting in that capacity.

Licence means a business licence issued for one of the following classifications, as may be further defined in this bylaw:

- (1) Home-Based
- (2) Intermunicipal
- (3) Commercial Small
- (4) Commercial Large
- (5) Non-Resident
- (6) Daily
- (7) Direct-Seller
- (8) Peddler
- (9) Inter-Community

Licensee means the person to whom a business licence has been issued.

Mobile Food Vendor includes both motorized and non-motorized mobile carts, vehicles, and trailers that are equipped to cook, prepare, or serve food or beverages.

Non-Resident Business means a business that is not located within the jurisdiction of the District but whose work or service is performed in the District.

Passenger Directed Vehicle (PDV) Authorization is as defined in the *Passenger Transportation Act*.

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 kitchen wares but does not include a farm stand or mobile food vendor.

Person has the meaning ascribed to it by the *Interpretation Act* and 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.

Transportation Network Services (TNS) Authorization is as defined in the *Passenger Transportation Act*.

Zoning Bylaw means the Sooke Zoning Bylaw as may be replaced or amended from time to time.

Application

3. This bylaw applies to all land (including water), buildings, or structures within the boundaries of the District, subject to provincial and federal enactments.

Licence Required

4. No person shall carry on any business within the District, unless they are the holder of a valid licence pursuant to this bylaw, or a valid Intermunicipal Business Licence or Inter-Community Business Licence.
5. A separate license must be obtained for each premises used for business purposes.

Exemptions

6. Despite section 4 of this bylaw, no licence is required for:
 - (1) Any activities carried on by the government, its agencies or government owned corporations; or
 - (2) Any business operating solely on Federal Crown Land; or
 - (3) Farm Stands; or
 - (4) An educational course or program provided by a community or continuing education facility, or by a school pursuant to the "School Act, S.B.C. 1996" or successor legislation, including fundraising activities to support such programs; or
 - (5) Non-profit, philanthropic, charitable, or religious organizations with supporting documentation; or
 - (6) Any performance, concert, exhibition or entertainment, or community event in which the entire proceeds, above actual expenses, are devoted to any charitable purpose.
 - (7) Vehicle for Hire services provided by persons with a valid Passenger Directed Vehicle (PDV) or Transportation Network Service (TNS) Authorization issued by the Passenger Transportation Board. A business licence is required for any premises from which the business operates.

Licensing Authority

7. The Licence Inspector is hereby authorized to grant, refuse, or suspend licences as hereinafter provided and subject to the provisions of the appropriate sections of the *Community Charter*.
8. The applicant remains responsible to ensure compliance with all District bylaws and Provincial and Federal enactments. Issuance of a business licence by the District is not a representation that a business is compliant with federal, provincial, and municipal laws, bylaws, and regulations.

9. The Licence Inspector may grant a business licence once satisfied that the applicant has fulfilled the requirements of this bylaw, the application has successfully proceeded through the District's internal review process, where required; and that all licence fees, and any outstanding fees or fines owed to the District in relation to the business, or any other business operated by the same applicant have been paid.
10. The Licence Inspector shall have the power to refuse or revoke a business licence subject to the provisions of the *Community Charter*, including where a business:
 - (1) Has failed to comply with a term or condition of the licence;
 - (2) The premises cease to comply with a bylaw regulating building, land use, health, fire, environmental, or business issues;
 - (3) In application for a licence, the applicant was guilty of misrepresentation, nondisclosure, or concealment of any material fact relating to the subject matter of the licence or required to be stated in, the application.
11. The Licence Inspector shall have the power to suspend a business licence, subject to the *Community Charter*, provided that:
 - (1) The suspension is for a set period of time as determined by the Licence Inspector; and
 - (2) The Licence Inspector may impose additional terms and conditions that the licensee must meet in order to obtain a business licence at the end of the suspension period.
12. The suspension or revocation of a business licence must be made in writing, signed by the Licence Inspector and delivered to the licensee by registered mail or email to the address given in the application for the business licence.
13. A notice of such revocation or suspension of a business 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 business licence is reinstated, the licensee or former licensee ceases to occupy the premises, or a new business other than the one carried on by the licensee or former licensee is started on the premises.
14. No refund shall be made in respect of any part of the fee paid for a business licence that has been revoked or suspended.
15. Pursuant to the *Community Charter*, and in accordance with the District's Intermunicipal Business Licence Agreement Bylaw and Inter-Community Business Licence Bylaw as applicable, if the License Inspector refuses to

- issue a business licence, or it is suspended or revoked the applicant is entitled to have Council reconsider the matter.
16. The Licence Inspector must notify the applicant affected by the decision of their right to have the matter reconsidered by Council, in which case the following procedures shall apply:
- (1) An applicant or licensee who wishes Council to reconsider a Licence Inspector's decision must provide a written request stating the grounds upon which the request is based.
 - (2) The District will notify the applicant or licensee of the time and place at which Council will reconsider the decision. The applicant or licensee or their representative may appear before Council and present their reasons for the appeal, and upon such appeal Council may confirm or set aside the decision of the License Inspector.

Intermunicipal Business Licences

17. Subject to the District's Intermunicipal Business Licence Agreement Bylaw, the Licence Inspector is hereby authorized to issue, suspend, or revoke Intermunicipal Business Licences for businesses that have an office location within the District.

Inter-Community Business Licences

18. Subject to the District's Inter-Community Business Licence Bylaw, the Licence Inspector is hereby authorized to issue, suspend, or cancel Inter-Community Business Licences for businesses that have an office location within the District.
19. An Inter-Community Business Licence shall be valid for the mobile portions of the business only. A separate licence shall be required for the business premises.

Licence Applications

20. The application for a business licence shall be in the form(s) prescribed by the Licence Inspector.
21. The Licence Inspector is authorized to modify the forms prescribed, or any of the administrative procedures prescribed as deemed necessary.
22. The duly completed application form(s) shall be provided to the Licence Inspector and shall be accompanied by the fees and charges specified in the Fees and Charges Bylaw.

23. No licence shall be issued until the applicable fees and charges have been paid to the District.
24. The License Inspector may require additional documentation to be submitted in support of a business licence application, including but not limited to:
 - (1) A site plan;
 - (2) A plan or sketch showing the layout of the proposed location and floor area of the business and parking locations;
 - (3) Confirmation by a competent authority satisfactory to the Licence Inspector of compliance with applicable provincial or federal regulations;
 - (4) Other documentation as deemed necessary by the Licence Inspector.
25. Any person applying for a business licence in an occupation that is within the jurisdiction of the Ministry of Advanced Education, Training and Technology must present proof of Trade Qualification at the time of application.
26. Every application for an initial business licence must comply with the Zoning Bylaw, the District Building Bylaw, and the *BC Fire Code* as amended or replaced from time to time.
27. No person shall make any material misrepresentations on a business licence application.

Licence Fees

28. Annual business licence fees and charges, with corresponding licence classification are set out in the District's Fees and Charges Bylaw.
29. A licence fee as prescribed in the District's Fees and Charges Bylaw shall be reduced by one-half in respect of a person who becomes liable to be licenced after July 31st in any year.
30. No refund of the annual licence fees and charges shall be made because the licensee ceases to do business at any time. A licence fee shall be refunded only if the application is withdrawn prior to issuance of the business licence or if issuance of a business licence is refused.

Licence Periods

31. Except as hereinafter provided, licences shall be annual for a one-year period to commence the first day of January and to terminate the thirty-first day of December in each and every year.

32. The period for a licence with respect to a craft fair, exhibition or other itinerant show or entertainment shall be one day when held elsewhere than in a licenced place.

Display of Licence

33. A business licence must be prominently displayed in a conspicuous place in the premises, place, or structure in which the business is carried out or undertaken and for which the licence was issued.

Licence Changes

34. For the purpose of this section, “change” means:
- (1) A change to the location of the premises for which the licence was issued; or
 - (2) A change to the name of the business; or
 - (3) A change to a term or condition on which the licence was issued; or
 - (4) A change that would increase the fees and charges payable by the licensee under the District’s Fees and Charges Bylaw.
35. Before undergoing any change listed in section 36, the licensee must apply to the Licence Inspector for a licence change on the form provided for that purpose.
36. A licensee applying for a change under section 36(4) must, at the time of making the application, pay to the District the amount by which the fees and charges will increase.
37. Licensees shall not make any change to their business without first obtaining the approval of the Licence Inspector.
38. A request for a licence change shall be refused by the Licence Inspector where the premises to which the applicant wishes to transfer the licence does not comply with the requirements of the bylaws of the District.
39. Upon ceasing operations, a licensee shall notify the Licence Inspector that the licence is no longer required and shall surrender the business licence to the Licence Inspector.

Municipal Property

40. No person shall conduct business on any municipal property unless permission is obtained from the District though a licence of occupation, contract, permit, or other approval deemed appropriate by the District.

41. Any person or business seeking a licence to conduct business on municipal property must obtain and provide proof of liability insurance in an amount and terms deemed appropriate by the District.

Vehicles for Hire

42. Every person who provides vehicle for hire services must carry a copy of their valid Passenger Directed Vehicle (PDV) or Transportation Network Services (TNS) Authorization, in their vehicle at all times while engaged in the business.
43. A valid business licence is required for a taxi stand, taxi office, home office, call/dispatch center, or other similar business location within the District.

Farm Retail Sales and Farm Stands

44. Persons that sell baked, canned, or otherwise altered natural food products, artwork, or handcrafted items, are required to apply for, and obtain a business licence for Farm Retail Sales. This use does not include the retail sale or dispensing of cannabis.
45. Persons that operate a Farm Stand are not required to hold a valid business licence in accordance with section 8 of this bylaw.

Cannabis Retail Stores

46. An application for a business licence to operate as a Cannabis Retail Store shall be accompanied by the following, to the satisfaction of the Licence Inspector:
 - (1) A copy of a valid provincial cannabis retail store licence from the Provincial Liquor and Cannabis Regulation Branch.
 - (2) A Letter of Assurance from qualified professionals that the ventilation plan mitigates offensive odours.
47. Persons operating a Cannabis Retail Store must maintain at all times a valid and subsisting provincial cannabis retail store licence from the Provincial Liquor and Cannabis Regulation Branch.

Mobile Food Vendor

48. An application for a business licence to operate as a Mobile Food Vendor shall be accompanied by the following, to the satisfaction of the Licence Inspector:
 - (1) Evidence of approval from Vancouver Island Health Authority.

- (2) Details of each location within the District on which the applicant intends to operate the business; and
 - (3) The written consent of the property owner of each location on which the applicant intends to operate the business.
49. A Mobile Food Vendor business shall be operated so as not to impede other vehicles, pedestrian movement, or access for public or emergency vehicles on or to any property.
50. Sufficient and suitable garbage collection containers shall be provided and maintained, and the area around the business shall be kept free of any waste material originating from the business. Licensees are encouraged to utilize compostable food containers and utensils where possible.

Prohibitions

51. No person shall carry on a business in or from any premises in the District other than those specified on a valid and subsisting business licence.
52. No person, being the holder of a Non-Resident Business Licence, shall carry on such business in or from premises located within the District.
53. No person shall occupy or permit occupancy of a new or remodeled premises for the purpose of carrying on a business unless the Building Inspector of the District has issued an Occupancy Permit for such premises in accordance with the District's Building Bylaw.

Enforcement

54. The Licence Inspector, or any appointed officer of the District are designated to enforce this bylaw pursuant to section 264 of the *Community Charter*.
55. Pursuant to section 264 of the *Community Charter*, every Licence Inspector, Fire Inspector, Building Inspector, and Bylaw Enforcement Officer of the District may enter at all reasonable times on any property that is subject to this bylaw to determine whether the regulations in this bylaw are being observed.

Offence and Penalty

56. Every person who contravenes any provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine not exceeding \$50,000.00.

57. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
58. The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264 of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
59. The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence in Column 1.

Severability

60. If a portion of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, the invalid portion shall be severed, and the validity of the remainder shall not be affected.

Repeal

61. "Bylaw No. 301, Business Regulation Bylaw", as amended, is hereby repealed.

Schedules

62. The following schedules are included and form part of this bylaw.

Schedule A – Municipal Ticket Information Designations

READ a FIRST time the 22 day of February, 2021.

READ a SECOND time the 22 day of February, 2021.

PUBLIC INPUT held the day of , 2021.

READ a THIRD time the day of , 2021.

ADOPTED the day of , 2021.

Maja Tait
Mayor

Carolyn Mushata
Corporate Officer

SCHEDULE A**Municipal Ticket Information Designations**

Offence	Bylaw Section No.	Fine
Operating a business without a valid licence	4	Fine equal to double the applicable licence fee
Operating in contravention of business licence	10	\$200.00
Failure to obtain approval for change to business	37	\$100.00
Operating under a non-resident Business Licence	52	\$100.00