



DISTRICT OF SOOKE

BYLAW No. 301

CONSOLIDATED FOR REFERENCE APRIL 3, 2009

BYLAW No. 301, *BUSINESS LICENCE BYLAW, 2007*
BYLAW No. 394, *BUSINESS LICENCE AMENDMENT BYLAW, (301-1)*

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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 Home Based, Inter-municipal, Daily, Non-resident, Direct Seller or Peddler Licence is required;

Contractor includes any person who undertakes to do or perform any work or service at a certain price or rate or for a fixed sum, except where such work or service is specifically defined in this bylaw and 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 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. Those categories of Businesses set out in Schedule A to this bylaw are established as categories of Businesses for the purposes of this bylaw.

(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 Schedule A to this bylaw.

- (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 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 if its principal office is located in the District of Sooke.
- 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 C 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.
19. The amounts appearing in Column 3 of Schedule C 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.
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.

Janet Evans
Mayor

Evan Parliament
Chief Administrative Officer

SCHEDULE A

Business Categories and Fees

Category	Licence Fee
1. Home Based	\$ 50.00
2. Intermunicipal	\$100.00
3. Commercial - <i>Small</i> (464.5 sq.m./5,000 sq.ft.) or less of gross floor area of buildings used for business	\$125.00
4. Commercial - <i>Large</i> (more than 464.5 sq.m./5,000 sq.ft.) of gross floor area of buildings used for business	\$250.00
5. Non-Resident	\$100.00
6. Daily - per day	\$ 50.00
7. Direct Seller	\$ 50.00
8. Peddler	\$ 50.00

SCHEDULE B

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	

SCHEDULE C

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