

DISTRICT OF NORTH SAANICH

BY - LAW NO. 898

A BY-LAW RESPECTING LICENSES FOR CARRYING ON BUSINESS WITHIN THE DISTRICT OF NORTH SAANICH

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

1. DEFINITIONS

For the purpose of this By-Law, unless the context otherwise requires:

- (a) **'Act'** means the Municipal Act, being Chapter 323 of the Revised Statutes of British Columbia, 1996, as amended;
- (b) **'Business'** means
 - i) carrying on a commercial or industrial undertaking of any kind, or
 - ii) providing professional, personal or other services for the purpose of gain or profit,but does not include an activity carried on by the Provincial government, its agencies or corporations owned by the Provincial government;
- (c) **'License Inspector'** means the person appointed as License Inspector for the Municipality to collect license fees and to administer this By-Law, or designate;
- (d) **'Person'** includes a corporation, firm, partnership or proprietorship;
- (e) **'Municipality'** means the District of North Saanich;
- (f) **'Council'** means the Municipal Council of the District of North Saanich;
- (g) **'Resident Business'** means a business carried on, in or from premises in the Municipality;
- (h) **'Non-Resident Business'** means a business, other than a resident business
 - i) carried on in the Municipality, or
 - ii) with respect to which any work or service is performed in the Municipality.

2. GENDER

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

3. REQUIREMENT FOR BUSINESS LICENSE

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

4. POWER OF COUNCIL TO REFUSE OR REVOKE A BUSINESS LICENSE

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

5. POWER OF THE LICENSE INSPECTOR

The License Inspector shall have the power to grant, suspend or transfer licenses as hereinafter provided and subject to the provisions of the Act.

6. APPLICATION, RENEWAL AND TRANSFER

- a) Every person applying for a business license shall complete the application forms supplied by the License Inspector for such purpose;
- b) An application for the first time, or for a transfer of a business license, shall be signed by the owner or operator of the business or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all the partners or owners;
- c) The application form shall be delivered to the License Inspector and shall be accompanied by the fee prescribed by Schedule 'A' for the class of business in respect of which the application is made, with the classification of the business to be determined by the License Inspector;
- d) Every person holding a business license shall notify the License Inspector in writing of any changes in the mailing or business address, the classification of the business, area of premises, the number of people employed in the operation of the business or any alternations of the premises in which the business is carried out, and upon termination of the business, shall notify the License Inspector that the license is no longer required and shall surrender the license to the License Inspector;
- e) Provided that there has been no change in any of the particulars of the business as noted on the original application form, an application form is not required to renew a business license;
- f) Every licensee, before changing his place of business within the Municipality, shall obtain a transfer of his business license. On the making of the application and payment of the sum of \$10.00 and proof to the satisfaction of the License Inspector that the premises to which the applicant wishes to transfer meet the requirements of the By-Laws and regulations governing buildings, zoning, health and sanitation, the License Inspector shall approve the transfer;
- g) No person shall carry on a business for which a license is required by this By-Law during the period of suspension or revocation of such license.

7. ELIGIBILITY

- a) Before any business license is issued, the License Inspector shall satisfy himself that, where applicable, the applicant has qualified in all respects under the Apprenticeship Act;
- b) Before any business license is issued, the License Inspector shall satisfy himself that the carrying on of a business from the premises in respect of which the license is sought will not violate the Zoning By-Law of the Municipality;

- c) Before any business license is issued, the License Inspector shall satisfy himself that all public authorities having jurisdiction over the carrying on of a particular class of business, or the carrying on of a business from particular premises, have approved all aspects of the application. Where requested by the License Inspector, the applicant shall submit letters or certificates of approval from the appropriate public authorities.

8. TERM AND APPLICABILITY

- a) Business licenses shall be issued for a one-year period commencing on the first day of January and terminating on the thirty-first day of December in each and every year. The annual license fee prescribed herein shall be reduced by one-half in respect of a business that becomes liable to be licensed after the thirty-first day of July in any year;
- b) No business license fee or part thereof shall be refundable;
- c) Every business license issued pursuant to this By-Law shall state that the holder is licensed to carry on the business stipulated therein in a lawful manner for the period specified at the premises stated;
- d) Every business license issued pursuant to this By-Law shall be deemed to be a personal license to the licensee therein named and, where applicable, shall be valid only for the premises therein named;
- e) Every person in charge or control of premises where a business is carried on or practiced shall at all times keep the License prominently displayed in the reception or service area to which the public has access.

9. BONDING REQUIREMENTS

- a) As a condition under which a business license may be obtained, and subject to Section 658 of the Act, a person applying for a license to carry on a resident business for the first time shall, in respect of a class of business designated in Schedule 'A' as requiring a bond, give security to the Municipality in the form of cash, negotiable security or bond in the amount of five hundred dollars (\$500.00);
- b) The conditions under which the security given pursuant to this Section shall be required, held and returned shall be as set out in Section 656 of the Act;
- c) As a condition under which a business license may be obtained, and subject to Section 658 of the Act, a person applying for a license to carry on a non-resident business shall, in respect of a class of business designated in Schedule 'A' as requiring a bond, give security to the Municipality in the form of cash, negotiable security or bond in an amount up to one thousand dollars (\$1,000.00);
- d) The conditions under which the security given pursuant to this Section shall be required, held and returned shall be as set out in Section 655 of the Act.

10. SIDEWALK OR BOULEVARD PROHIBITION

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

11. OBLIGATION TO COMPLY

- a) Every person required to be licensed under this By-Law shall permit access by the License Inspector or any Police Officer at all reasonable times to the

premises at which the licensed business is being carried on, for the purposes of ascertaining compliance with the provisions of this By-Law and of the Act;

- b) Every person required to be licensed under this By-Law and every person in charge of a business requiring a license shall, on demand of any License Inspector or any Police Officer, produce and show to such Inspector or Police Officer the license he is required to hold, or give satisfactory proof that such a license has been obtained.

12. DEBT FOR OUTSTANDING FEES

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

13. VIOLATION

A person who contravenes this By-Law by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2000.00), plus costs, and where the conviction is for carrying on a business for which a license is required without holding a valid and subsisting license for the business, then the amount which should have been paid for the license, where a license may be issued, shall be added to the said fine and shall form part of the fine.

14. REPEAL

District of North Saanich “Business License By-Law No. 635 (1989)” is hereby repealed except insofar as it repeals other By-Laws.

15. TITLE

This By-Law may be cited as “Business License By-Law No. 898, 1998”.

READ A FIRST TIME the 7th day of December, 1998.

READ A SECOND TIME the 7th day of December, 1998.

READ A THIRD TIME the 7th day of December, 1998.

FINALLY ADOPTED
BY A 2/3 MAJORITY
OF COUNCIL the 14th day of December, 1998.

MAYOR

CLERK