

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3603

(**amended by Bylaws No. 3726, 3922, 4062 and 4658)

A Bylaw to require a licence for the carrying on of business and to fix and impose business licence fees

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1. (1) In this Bylaw, the expressions used shall have the respective meanings assigned to them in the *Municipal Act*, except as specifically set forth in this Section or where the context otherwise requires.
- (2) In this Bylaw, except where the context otherwise requires,
 - (a) “AMUSEMENT CENTER” includes a building or part thereof which is used for the entertainment of the public through the provision of pinball or video game machines or other amusement vending machines where the number of tables and games independently or together is four (4) or greater;
(**Bylaw 4658, adopted Dec.14/15)
 - (b) “BUSINESS” means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other service for the purpose of gain or profit, but does not include any activity carried on by the government, its agencies or government owned corporations, or by a charitable, philanthropic or religious organization where the whole of the proceeds of the activity are used solely for charitable, philanthropic or religious purposes;
(**Bylaw 4658, adopted Dec.14/15)
 - (c) “COMMERCIAL” means any business other than a home craft, home office, inter-municipal, daily or non-resident business;
(**Bylaw 4658, adopted Dec.14/15)
 - (d) “COMMUNITY CHARTER” means the Community Charter, SBC 2003, c. 26, as amended from time to time;
(**Bylaw 4658, adopted Dec.14/15)
 - (e) “CORPORATION” means The Corporation of the District of Oak Bay;
 - (f) “COUNCIL” means the Municipal Council of the Corporation;
 - (g) “DAILY LICENCE” includes craft fairs, exhibitions or other itinerant shows or entertainment;
(**Bylaw 4658, adopted Dec.14/15)
 - (h) “DIRECT SELLER” means every person personally selling or soliciting the sale of books, magazines or periodicals, whether of an educational nature or not, or selling any other goods, wares or merchandise, or contracts for repairs, renovations or any other service whatsoever, either on his own behalf or as an agent for another, from door to door within the Municipality;

- (i) “HOME CRAFTS” means a business carried on as a home occupation use within a residence in which articles are made by hand, including jewellery, dolls, wood crafts, stuffed animals, artwork, toys, greeting cards, candles, soap, flower arranging, and clothing;
*(**Bylaw 4658, adopted Dec.14/15)*
 - (j) “INTERMUNICIPAL BUSINESS LICENCE” means a business licence which authorizes a business to be carried on within the boundaries of the Participating Municipalities, for the classes of businesses described in Schedule "C" to this Bylaw.
*(**Bylaw 4062, adopted Nov.22/99)*
 - (k) “LICENCE INSPECTOR” means the person appointed by the Council to collect licence fees and to administer this Bylaw;
 - (l) “MUNICIPALITY” means the District Municipality of Oak Bay;
 - (m) “NON-RESIDENT BUSINESS” means a business, other than a resident business, carried on in the Municipality or with respect to which any work or service is performed in the Municipality;
*(**Bylaw 4658, adopted Dec.14/15)*
 - (n) “PARTICIPATING MUNICIPALITY” means the District of Oak Bay, the District of Central Saanich, the City of Colwood, the Township of Esquimalt, the District of Langford, the District of Metchosin, the District of North Saanich, the District of Saanich, the Town of Sidney, the City of Victoria, and the Town of View Royal, and any other municipality that becomes party to an agreement with the District of Oak Bay for the offering of intermunicipal business licences;
*(**Bylaw 4062, adopted Nov.22/99)*
 - (o) “PERSON” includes a corporation, partnership or proprietorship;
 - (p) “RESIDENT BUSINESS” means a business carried on in or from premises in the Municipality;
*(**Bylaw 4658, adopted Dec.14/15)*
 - (q) “VENDING MACHINE” means any coin-operated machine or device for the purpose of dispensing goods, wares, merchandise or service; but shall not include such machines or devices that may be operated by charitable organizations.
- (3) In this Bylaw, unless the context otherwise requires, wording importing the singular number or masculine gender shall include the plural or feminine gender, and the converse shall also apply.
2. Every person owning or operating any business carried on within the Municipality shall hold a valid and subsisting business licence issued by the Licence Inspector or, for Intermunicipal Business Licences, by a Participating Municipality, and shall, in the case of a licence issued by the Corporation, pay in advance to the Corporation the annual licence fee for such class of business as set out in the Schedules appended to and forming a part of this Bylaw.
*(**Bylaw 4062, adopted Nov.22/99)*
3. (1) Every person applying for a business licence shall complete the application forms supplied by the Licence Inspector for such purpose.
*(**Bylaw 4062, adopted Nov.22/99)*

- (2) An application for the first time, or for a transfer of a business licence, 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.
(**Bylaw 4062, adopted Nov.22/99)
- (3) The application form shall be delivered to the Licence Inspector and shall be accompanied by the fee prescribed by Schedule “B” for the class of business, as shown in Schedule “A”, in respect of which the application is made, with the classification of the business to be determined by the Licence Inspector.
(**Bylaw 4658, adopted Dec.14/15)
- (4) Where a business is carried on, in or from a premise within the Municipality and also provides services within other municipalities, the owner or operator must obtain a business licence for the premises and an inter-municipal business licence.
(**Bylaw 4658, adopted Dec.14/15)
- (5) Provided that there has been no change in any of the particulars of the business as noted on the original application form, and without derogating from the authority to refuse, suspend, cancel or impose terms and conditions with respect to a business licence under this Bylaw and the Community Charter, an application form is not required to renew an existing business licence.
(**Bylaw 4062, adopted Nov.22/99)
(**Bylaw 4658, adopted Dec.14/15)
- (6) It is an offence under this Bylaw to provide incorrect or misleading information on an application for a business licence.
(**Bylaw 4658, adopted Dec.14/15)
4. (1) The Licence Inspector is empowered to grant, renew, refuse, suspend or cancel a business licence subject to the provisions of this Bylaw and the *Community Charter*, and may impose reasonable terms and conditions on the granting or renewal of a business licence.
(**Bylaw 4062, adopted Nov.22/99)
(**Bylaw 4658, adopted Dec.14/15)
- (2) Business licences 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 licence fee prescribed herein shall be reduced by one-half in respect of a business that becomes liable to be licensed after the thirtieth day of June in any year. No licence fee or part thereof shall be refundable.
(**Bylaw 4658, adopted Dec.14/15)
- (3) The Licence Inspector may require that an applicant for a licence provide proof of certification, approval or qualification required by a federal, provincial or local government authority having jurisdiction over the proposed business.
(**Bylaw 4658, adopted Dec.14/15)
- (4) For a business proposed to operate out of premises located in the Municipality, no business licence shall be issued where the proposed business would not constitute a permitted use of the premises under the Zoning Bylaw of the Corporation.
(**Bylaw 4658, adopted Dec.14/15)

- (5) The issuance of a business licence under this Bylaw in no way implies or constitutes a representation by the Licence Inspector or the Corporation that the licence holder is competent in the business operation for which he is licensed.
*(**Bylaw 4658, adopted Dec.14/15)*
- (6) Every business licence issued pursuant to this Bylaw shall state that the holder is licensed to carry on the business stipulated therein in a lawful manner for the period specified at the premises stated.
- (7) Every business licence issued pursuant to this Bylaw shall be deemed to be a personal licence to the licensee therein named, and, where applicable, shall be valid only for the premises therein named.
- (8) Every person, before changing his place of business within the Municipality, shall obtain a transfer of his business licence.
5. (1) An applicant or licence holder, who is aggrieved by a decision of the Licence Inspector to refuse, suspend, cancel or impose terms and conditions on a business licence, may, by written notice delivered to the Director of Corporate Services not later than ten (10) days after the date of such decision request reconsideration of the decision by Council.
- (2) Following receipt of an application for reconsideration, the Director of Corporate Services shall notify the applicant or licence holder, as the case may be, of the time, date and place the application will be placed before Council.
- (3) Notification from the Director of Corporate Services in accordance with subsection (2) shall:
- (a) state that reconsideration by Council at the time, date and place specified in the notice will include a reasonable opportunity to be heard or make written submission on the matter either in person, or through an agent, or both; and
- (b) be mailed or otherwise delivered to the applicant at least five (5) days before the date set for reconsideration.
- (4) No delegation of authority made by this Bylaw shall abrogate or detract from the ability of Council to exercise the delegated authority in the first instance if it so elects.
6. (1) No person shall operate an Amusement Center within the Municipality.
*(**Bylaw 4658, adopted Dec.14/15)*
7. In the event of any person who is the holder of a business licence under this Bylaw making, during the currency of such licence, any change in the nature, character, kind or description of the business carried on by him within the Municipality, or engaging in any other further or additional business therein, it shall be the duty of such person forthwith to notify the Licence Inspector of such facts in writing, and thereupon to take out and pay for such other, further or additional licence as shall be applicable or required under the provisions of this Bylaw.
*(**Bylaw 4658, adopted Dec.14/15)*
8. The Licence Inspector or any Police Officer of the Corporation may, at all reasonable times, enter upon any property for the purpose of ascertaining whether the provisions of this Bylaw are being complied with.
*(**Bylaw 4658, adopted Dec.14/15)*

9. Every person required to be licensed under this Bylaw and every person in charge of a business requiring a licence, shall, on demand of the Licence Inspector or any Police Officer of the Corporation, produce and show to the Inspector or any Police Officer of the Corporation, the licence he is required to hold, or give satisfactory proof that such a licence has been obtained; where the licence relates to any vehicle, the owner or driver of such vehicle shall at all times cause the licence to be carried on such vehicle.

(**Bylaw 4658, adopted Dec.14/15)

10. Notwithstanding anything herein contained, the amount of any and every business licence fee payable by any person pursuant to the provisions of this Bylaw shall be a debt due by that person to the Corporation, which shall be recoverable together with any costs in any court of competent jurisdiction.

(**Bylaw 4658, adopted Dec.14/15)

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

(**Bylaw 4658, adopted Dec.14/15)

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

(**Bylaw 4658, adopted Dec.14/15)

13. The following Bylaws are hereby repealed except insofar as they repeal any other bylaw:

Bylaw No. 3087, "*Business Licence Bylaw, 1975*";
Bylaw No. 3196, "*Business Licence Bylaw Amendment Bylaw, 1977*";
Bylaw No. 3390, "*Business Licence Bylaw Amendment Bylaw, 1981*";
Bylaw No. 3424, "*Business Licence Bylaw Amendment Bylaw, 1982*";
Bylaw No. 3431, "*Business Licence Bylaw Amendment Bylaw, 1983*";
Bylaw No. 3462, "*Business Licence Bylaw Amendment Bylaw, 1984*";
Bylaw No. 3518, "*Business Licence Bylaw Amendment Bylaw, 1986*"

PROVIDED that such repeals shall not affect any offence committed, or penalty or punishment incurred, under such repealed Bylaws, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.

14. This Bylaw may be cited as the "***BUSINESS LICENCE BYLAW, 1988***".

READ a first, second and third time by the Municipal Council on October 11, 1988

RECONSIDERED, ADOPTED AND FINALLY PASSED by the Municipal Council on October 24, 1988

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.

SCHEDULE "A"
 (**Appendix 1, Bylaw 4658, adopted Dec.14/15)

Class Of Business

Table and Column of Schedule 'B'

Commercial Business:

	Resident	Non-Resident
Apartments	1A	-
Banks, Financial Institutions, Credit Unions, Trust Companies	1C	-
Banquet Room	1B	-
Contractors	1A	4B
Consultants	1A	4B
Day Care Centres	1A	-
Direct Seller	2A	2A
Fitness Studio	1A	-
Hotels	1B	-
Moorages	3A	-
Nursing Homes	1A	-
Offices / Professional	1A	-
Retail	1B	-
Restaurant (All food servies)	1B	-
Schools	1B	-

Home Based Business:

	Resident	Non-Resident
Consultants	4A	-
Contractors	4A	-
Home Crafts	4A	-
Daycare / Childcare	4A	-
Direct Seller	2A	2A
Home Office / Professional	4A	-

Special Events:

	Resident	Non-Resident
Daily	5A	5A

Intermunicipal Licences:

	Resident	Non-Resident
Additional Fee	6A	-

SCHEDULE "B"

(**Appendix 2, Bylaw 4658, adopted Dec.14/15)

Table 1		FLOOR OR GROUND AREA		Maximum \$2,000.00	
Floor or Ground Area:		A	B	C	
0 – 1,000 Sq. Ft.		\$100.00	\$100.00	\$200.00	
Per 100 sq. ft. in excess of 1,000 sq. ft.		\$1.50 / sq ft	\$7.25 / sq ft	\$21.00 / sq ft	

Table 2		NUMBER OF PEOPLE ENGAGED IN BUSINESS		Maximum \$2,000.00	
No. Of People:		A			
1		\$450.00			
2-4		\$900.00			
5-10		\$1350.00			
Over 10		\$2000.00			

Table 3		NUMBER OF RENTAL UNITS		Maximum \$2,000.00	
No. Rental Units:		A			
Per Rental Unit		\$1.00 Per Unit			

Table 4		
Flat Rate Charges:	A	B
Home Based Business	\$50.00	-
Non-Resident	-	\$100.00

Table 5		DAILY	
No. Of Days:		A	
Per Day		\$50.00	

Table 6		ADDITIONAL FEE	
Additional Fees:		A	
Inter-Municipal Licence (For operation in CRD)		\$100.00	

SCHEDULE "C"

INTERMUNICIPAL BUSINESS LICENCES

CLASSES OF BUSINESSES ELIGIBLE FOR INTERMUNICIPAL BUSINESS LICENCE

1. Contractors:

Acoustics	Insulation
Alterations	Interior Decorator
Appliance Repair	Irrigation
Blasting	Iron Worker
Brick/Masonry	Janitorial Service
Building	Land Clearing
Building Movers	Landscaper
Bulldozing	Lather
Cabinet-Maker	Locksmith
Carpenter	Mechanical Equipment Installation
Carpet Cleaning	Metal Worker
Chimney Cleaner	Oil Worker
Cleaning Services	Painter
Concrete	Paver
Demolition	Pest Control Service
Diving Contractor	Pipeline
Drilling	Plumber
Drywall/Plasterers	Refrigeration
Electrical	Restoration Service
Excavating	Roofer
Floorlayer	Sand Blaster
Furnace Repair	Sanitary Engineer
Garden Services	Security Service

Gas Fitter	Sewer and Drain Service
Glazing	Shingler
Handyman Service	Tile Setter
Hauling Service	Tree Surgeon
Heating	Truck Driver
Home Repair & Maintenance Services	Welder
Inspection Service	Wood Stove Installer

Note: In the event a particular class of trades contractor is not listed in Schedule "C", the Licence Inspector is empowered to apply a classification that, in the opinion of the Licence Inspector, closely matches the business operations of the applicant.

2. Towing Services

3. Mobile Sales Services:

Massage Therapist	Photographer
Facial Manicurist	Mobile Mechanic
Pet Sitter	Mobile Hairdresser/Barber
Food and Beverage Service	Music Service

*(**Bylaw 4062, adopted Nov.22/99)*