

**DISTRICT OF METCHOSIN
BYLAW NO. 352**

A B Y L A W

To Provide for the Licencing and Regulation of Businesses

WHEREAS Part 20 of the *Local Government Act*, empowers Council to provide for the licencing and regulation of businesses in the District of Metchosin, and Council wishes to regulate and licence businesses for the purpose of protecting the public;

THEREFORE the Council of the District of Metchosin, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as the “Business Licence Bylaw No. 352.”

2. Definitions:

In this Bylaw:

Bed and Breakfast means a Home Business within a dwelling unit that provides transient tourist accommodation in which not more than 3 bedrooms are rented on a short-term basis, and may include the provision of a breakfast meal served on the premises.

Boarding Kennel means premises in which dogs over the age of 8 months and cats are kept, trained, cared for, or boarded.

Breeding Kennel means premises in which dogs over the age of 8 months are kept and bred.

Business means carrying on a commercial or industrial undertaking of any kind, providing professional, personal or other services; or providing a product, for a customer or customers. A business would market its undertaking, service or product. A business would apply a monetary charge or fee for its undertaking, service or product.

Campsite means the use of a lot occupied and maintained, or intended to be occupied and maintained, for the temporary accommodation of travelers in travel trailers, tent-trailers, tents or similar transportable accommodation, which is operated as a commercial enterprise, but does not include a manufactured home park, motel or a hotel.

Consultant means one who gives professional advice or services.

Contractor means a person who carries on a business of performing construction, alteration or repair work upon a building, structure, road, or other improvement.

Employee means a person engaged on a full time or part time basis in the operation of a business, whether employed on a salaried, commission or other basis, and includes any owners, partners or principals engaged in the operation of the business.

Fire Safety Inspector means the Fire Chief or Local Assistant to the Fire Commissioner.

Garden Centre means the use of a lot, buildings or structure or part thereof where flowers, bushes, trees or other plant stocks are purchased at wholesale and offered or kept for sale at retail and includes retail sales of related lawn and garden equipment, furnishings, and supplies.

Holiday means Sunday, New Year's Day, Good Friday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, and December 26.

(Bylaw 462)

Horticultural Business means a Home Business including but not limited to: the selling of garden vegetables, farm produce, fruits, flowers, ornamental shrubs, and ornamental trees.

Home Business means the accessory use of a portion of a dwelling unit, use of a dwelling unit accessory building, or for horticultural purposes only, of a portion of a lot on which a dwelling unit is situate for the carrying on of a business, occupation or profession where such use is secondary and subordinate in area to the area of the dwelling unit and subordinate in extent of use to the use of the lot for residential purposes in compliance with Section 21 of the Land Use Bylaw.

(Bylaw 462)

Industrial Business means the business of processing, manufacturing, storage, transportation, distribution, wholesaling, testing, servicing, repairing, wrecking, or salvaging of goods materials or things; includes communication, electric, gas, sanitary service, and the selling of heavy industrial equipment.

Licence means a valid and subsisting business licence issued pursuant to this Bylaw.

Licencee means the person who holds a licence.

Licence Inspector means every person employed from time to time by the District of Metchosin as Business Licence Inspector, Building Inspector, Bylaw Enforcement Officer, or Clerk Administrator.

Lot means the smallest unit as shown on the records of the Land Title Office in which land is held, or into which land is subdivided, and includes a strata lot created under the Bare Land Strata Regulations pursuant to the *Condominium Act*, but specifically excludes any other strata lot created pursuant to the *Condominium Act* or highway or portion thereof.

(Bylaw 462)

Marina means a business which contains docking facilities or mooring facilities where boats are berthed, serviced, repaired, or kept for sale or rent, and where facilities for the sale of marine fuels or lubricants, accessory marine supplies or fishing equipment and sales room for boats may be provided.

Municipality means the District of Metchosin.

Noise means any sound which disturbs or tends to disturb the quiet peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

(Bylaw No. 462)

Nonresident Business means a business, other than a resident business, carried on in the District of Metchosin or with respect to which any work or service is performed in the District of Metchosin.

Resident Business means a business carried on in or from premises in the municipality.

Restaurant means an establishment where food and beverage is served for a fee or charge to the public for immediate consumption within the premises and includes take-out service of food and beverage for off-site consumption.

Retail Store means a building where goods, wares or merchandise, are offered or kept for sale at retail, and includes storage on the store premises of limited quantities of such goods, wares or merchandise sufficient only to service such store.

Roadside Stand means either a portable stand or cart, or a permanent structure which is located or constructed within the front or side yards of a lot and which is used for the sale of vegetables, fruits, flowers or foodstuffs.

Sales Distributorship means a Home Business, involving the sale of goods not produced on the lot on which the Home Business is located, where the goods are delivered or mailed by the distributor to the customer, and where the customer at no time enters onto the lot to view goods or complete the sales transaction.

Services means a Home Business in which a service is provided for individuals, businesses or other organizations.

Short Term Rental means the business of renting a legal dwelling unit, or portion of, for a period of less than 30 consecutive days, including to a maximum of 4 boarders as an accessory use.

(Bylaw 647)

Unclassified Home Business means a Home Business which is not described under *Classifications* in Schedule "A".

3. Licence Requirement

Subject to Part 20 of the *Local Government Act*:

- a) No person shall carry on business in the District of Metchosin without a licence.
- b) Every person who owns or operates any business within the District of Metchosin shall apply for, obtain and hold a licence for each business.
- c) Every person who carries on business from more than one premises in the District of Metchosin shall obtain a separate licence for each premises.

- d) Every person who carries on more than one business from the same premises shall obtain a separate licence and pay a separate licence fee for each business.

4. More than One Business

- a) Home Business
 - i) If more than one business is operated by the same person on the same premises:
 - a) the number of people engaged in the businesses in the municipality in total shall not exceed the maximum number permitted under the Land Use Bylaw;
 - b) the area used by the businesses in total shall not exceed the maximum area permitted under the Land Use Bylaw.

5. Licence Fee

- a) Every person who obtains a licence shall pay, in advance, the applicable licence fee prescribed in Schedules “A” and “B” to this bylaw.
- b) No refund of a licence fee shall be made on account of any person ceasing to do business at any time. A licence fee shall be refunded only if the licence application is withdrawn prior to issuance of the licence or if issuance of the licence is refused.

6. Security

- a) Any person applying for a licence to carry on a non-resident business of any of the following classes of business, namely, the selling of newspapers, periodicals, books or other publications or soliciting subscriptions for the same, shall give security to the Municipality by way of cash or bearer bonds in the amount of \$500.00.
- b) The return of security provided under subsection (a) is conditional on the licensee carrying on business in the municipality without deceit, misrepresentation or fraud on the part of the licensee.
- c) Security under subsection (a) must be given for the period from the date the business licence is issued until the earliest of the following:
 - i) 6 months after the licensee ceases to hold the licence to carry on the nonresident business;
 - ii) the date on which the licensee is issued a business licence by the municipality to carry on the business as a resident business;
 - iii) 3 consecutive years have elapsed during which no order under subsection e) has been made respecting the security.

- d) Subject to subsection e), at the end of the period under subsection c), the security must be returned to the licensee.
- e) If, during the period under subsection c), the municipality receives notice of a civil action in a court that:
 - i) is based on deceit, misrepresentation or fraud on the part of a licensee who has given security under this section, and
 - ii) arises out of the carrying on in the municipality of the business for which the security is held;

the security must be held subject to the order of the court, which may order that the sum secured be applied wholly or in part to the discharge of the liability of the licensee resulting from the action.

- f) Any person applying for a licence to carry on a Short Term Rental shall give security to the District by way of cash or bearer bonds in the amount of \$500.00 prior to issuance of the business licence.
- g) The security deposit provided for in subsection (f) will be drawn upon in the event that the District undertakes any bylaw enforcement actions or investigation, whether initiated by the District or as a result of complaints arising from the Short Term Rental. If drawn upon, the security amount must be replenished prior to the date of a business licence renewal.
- h) Any remaining security provided for under subsection (f) will be returned within 6 months after the licensee ceases to hold the licence.

(Bylaw 647)

7. Hours of Operation

For any home business in which the business activity involves the operation of machinery or tools which produce noise, to the extent that the noise can be heard from beyond the perimeter of the lot upon which the machinery or tools are operated, the hours of operation of that business activity are restricted to:

- i) Monday to Friday from 8:00 a.m. to 4:00 p.m.; and
- ii) Saturday from 10:00 a.m. to 4:00 p.m.
excluding Holidays.

(Bylaw No. 462)

8. Short Term Rental

- a) Prior to being issued a licence, in addition to any security required in Section 6, Short Term Rental businesses shall provide:
 - i. The name, phone and email information of a local contact or property manager that can be contacted at any time (24-hours a day, 7 days a week) in the event of a problem for tenants, boarders, neighbours or the District. The property manager should hold a valid business licence.
 - ii. Proof that the contact information required in subsection (a)(i) above has been provided to adjacent property owners and/or tenants.

- b) A person may only offer to conduct a Short Term Rental if a valid business licence number for the Short Term Rental business is included in any advertising, listings or other promotional material (print, online or otherwise) referencing the Short Term Rental of the property.

(Bylaw 647)

9. Licence Inspector's Powers

1. The Licence Inspector may grant a licence upon being satisfied that the applicant has complied with the bylaws of the District of Metchosin regulating building, zoning, health, sanitation and business.
2. The Licence Inspector is hereby designated to exercise the powers of suspension or cancellation of a business licence.
3. The Licence Inspector may suspend any licence for reasonable cause. Any of the following circumstances may constitute reasonable cause:
 - i) the Licencee fails to comply with a term or condition of the licence;
 - ii) the Licencee is convicted of an offence under an Act or municipal bylaw in respect of the business for which the holder is licenced or with respect to the premises named in the licence;
 - iii) the Licencee is deemed, under the *Local Government Act* or *Offence Act*, to have pleaded guilty to an offence referred to in paragraph (ii);
 - iv) in the opinion of the Licence Inspector, the Licencee has engaged in misconduct that warrants the suspension or cancellation of the licence, if the misconduct is
 - a) in respect of the business,
 - b) in or with respect to the premises named in the licence, or
 - c) in respect of that business or another business, or in or with respect to the premises of that business or other business, carried on by the holder inside or outside the municipality;
 - v) the Licencee has ceased to comply with a bylaw or has otherwise ceased to meet the lawful requirements to carry on the business for which the holder is licensed or with respect to the premises named in the licence;
- d) Before suspending or canceling a business licence, the licence holder must be given notice of the proposed action and an opportunity to be heard by Council.

10. Inspections

Every Licence Inspector or Fire Safety Inspector of the District of Metchosin may enter at all reasonable times on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw are being observed.

11. Initial Licence Applications

- a) An application for the initial licence for a business shall be made on an application form prescribed from time to time by the Clerk Administrator of the District of Metchosin. The application shall be signed by an owner or operator of the business or the owner or operator's duly authorized agent.
- b) Every application for an initial licence for a Resident Business shall include a detailed description of the premises in or upon which the applicant intends to carry on business.
- c) Where an applicant applies for more than one licence, the particulars of each licence applied for shall be included on a separate application form.
- d) The application form shall be delivered to the District of Metchosin office and shall be accompanied by the fee prescribed in Schedules "A" and "B" to this bylaw.

12. Term of Licences

- a) Except as this section provides
 - i) business licences must be granted annually,
 - ii) the licence period commences each November 1st and expires each October 31st.
- b) The period for a licence with respect to a circus, concert, horse show, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licenced place, shall be for one day.

13. Licence Forms

- a) Every licence shall be in the form prescribed from time to time by the Clerk Administrator of the District of Metchosin.
- b) Every licence must state that the holder is licenced to carry on the business specified in it in a lawful manner for the period specified at the place specified.

14. Display of Licence

Every Licencee shall keep the Licencee's copy of the licence posted in a conspicuous place on the premises in respect of which the licence is issued. Where the Licencee has no business premises in the District of Metchosin, the licence shall be carried upon the Licencee's person at all times when the Licencee is engaged within the District of Metchosin in the business for which the licence was issued.

15. Effect of Licence

- a) A licence authorizes only the person named in the licence to carry on only the business described in the licence, and only from the premises or locations described in the licence.

- b) A licence is a representation or warranty that the licenced business or the business premises complied with the bylaws of the District of Metchosin at the time of inspection.

16. Licence Renewal

- a) The Licence Inspector may forward a notice or invoice to every Licencee prior to expiration of the licence term.
- b) A Licencee who proposes to renew a licence shall submit the licence fee to the District of Metchosin prior to expiry of the Licence.
- c) If a licence is not renewed according to this section, the licence shall be terminated and a Licencee who wishes to continue to carry on the business shall submit an application form and supporting documentation in accordance with section 9 and Schedule "A" and "B" and shall pay an additional licence fee of \$25.00.

17. Licence Transfers - New Premises

- a) No person shall carry on a business upon any premises other than those described in the initial licence application without first making an application under this section for a new licence.
- b) Any Licencee proposing to move a licenced business to a new location must follow the procedure outlined in section 9.

18. Licence Transfers - Person to Person

Business licences are not transferable from person to person.

19. Changes in Business

Where the licence fee for any business licenced under this bylaw is based on the number of employees engaged in the business or other variable condition, no Licencee shall increase the number of employees engaged in the business without first paying the increase in the applicable fee. No Licencee shall change any other condition upon which the licence fee is based without first making application following the procedure outlined in section 9, paying any additional licence fee payable under this bylaw as a result of such changes and obtaining a new licence.

20. Exemptions:

This Bylaw does not apply to:

- a) roadside stands;
- b) the provision of day care to no more than two unrelated children, or to the children of one family, by a person who is not related to those children; and
- c) activities outlined in Section 655 of the *Local Government Act*.

21. Classification

For the purposes of this bylaw, businesses are classified in accordance with Schedule “A” to this bylaw.

22. Severability

If any provision of this bylaw is held to be invalid, the invalid portion shall be severed from the bylaw and that invalidity shall not affect the remainder of the bylaw.

23. Schedules

Schedules “A” and “B” form part of this bylaw.

24. Offence

Every person who violates any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00

25. Repeal

a) The “Business Licence Bylaw, 1985, No. 9” is hereby repealed and replaced by this Bylaw.

Read a first time this 16th day of August 1999.

Read a second time this 7th day of October 2002.

Read a third time this 28th day of October 2002.

Finally passed and adopted by Council this 4th day of November 2002.

Mayor

Clerk Administrator

**Schedule “A”
Business Licence Bylaw No. 352**

Classification of Business	Reference	Table in Schedule “B”
Abattoir	AG	1 D-F
Animal - Boarding Kennel	UP/RR 3	1 D-F
- Breeding Kennel ≤ 10 dogs	Home Business in AG/UP/RU/RR2	1 D-F
- Breeding Kennel ≤ 4 dogs	Home Business in RR 1	1 D-F
- Grooming	Home Business	1 D-F
- Hospital	Commercial	1 G
Automotive Service Station	Commercial	1 C
- Repair	Home Business	1 B
Bed & Breakfast	Home Business	1 A
Campground	CR1	1 G
Community Hall	P2	2 I
Consultant - General	Home Business	1 D-F
- Lawyer	Home Business	1 D-F
Contractor Intermunicipal	Home Business, Bylaw 361	2 II
Crafts - General	Home Business	1 D-F
- Art	Home Business	1 D-F
- Framing	Home Business	1 D-F
- Photography	C1/C2	1 G
- Photography	Home Business	1 D-F
- Pottery	Home Business	1 D-F
Cuisine - General/Other	Home Business	1 D-F
- Catering	C1/C2	1 G
- Catering	Home Business	1 D-F
- Restaurant	C1/C2	1 G
Entertainment /Public Assembly	C1/C2	1 G
- Auditorium		
- Billiard/Pool Hall	C1/C2	1 G
- Bowling Alley	C1/C2	1 G
Financial Institution	C1/C2	1 G
Golf Course	CR1/CR2/CR3/CR4	1 G
Hairdresser	Home Business	1 D-F
	C1/C2	1 G
Health - General	Home Business	1 D-F
- Counseling	Home Business	1 D-F
- Doctor	Home Business	1 D-F
- Fitness	Home Business	1 D-F
- Naturopath	Home Business	1 D-F
- Reflexology	Home Business	1 D-F
- Rehabilitation	Home Business	1 D-F
Horticulture - General/Other	Home Business	1 D-F
- Farm	Home Business	1 A
- Garden Centre	C1/C2	1 G
- Garden Centre	Home Business	1 D-F
- Nursery	Home Business	1 D-F
Industrial		
- Lumber, sawmill	M1	1 G
- Concrete Products	M2	1 G
Intermunicipal	Bylaw 361	2 II

Schedule "A"
Business Licence Bylaw No. 352

Page 2

Manufacture - General	Home Business	1 D-F
- Candles	Home Business	1 D-F
- Garden Furniture	Home Business	1 D-F
- Window	Home Business	1 D-F
Manufactured Home Park	CR1	1 G
Marina	CR1	1 G
Nonresident	N/A	1 G
Office	C1/C2	1 G
	Home Business	1 D-F
Post Office	C1/C2	1 G
Private Club/Lodge	C1/C2	1 G
Publishing - General	Home Business	1 D-F
	C1/C2	1 G
- Typesetting	Home Business	1 D-F
Realtor	C1/C2	1 G
	Home Business	1 D-F
Recreational Cabin	CR1	1 G
Repairs - General	Home Business	1 D-F
	C1/C2	1 G
- Appliance	C1/C2	1 G
- Clocksmith	Home Business	1 D-F
	C1/C2	1 G
- Computer	Home Business	1 D-F
	C1/C2	1 G
- Optical	C1/C2	1 G
- Shoe	C1/C2	1 G
Retail Store	C1/C2	1 G
Riding Stable	AG/AG1	1 D-F
	AG/UP/UP1/UP2/RU	1 D-F
Sales Distributorship	Home Business	1 C
Services - General	Home Business	1 D-F
- Beauty, Barber	Home Business	1 D-F
	C1/C2	1 G
- Bookkeeping	Home Business	1 D-F
- Cleaning	Home Business	1 D-F
- Home Maintenance	Home Business	1 D-F
- Limousine	Home Business	1 D-F
- Moving	Home Business	1 D-F
- Security	Home Business	1 D-F
- Taxi	C1/C2	1 G
- Photography	C1/C2	1 G
Short Term Rental (Bylaw 647)	All Zones	1A
Term Commercial Sales	P2	2 I
Timber Production & Harvesting	UP2	1 G
Laundromat	C1/C2	1 G
Unclassified	Home Business	1 D-F
	C1/C2	1 G
Woodwork - General	Home Business	1 D-F
- Furniture	Home Business	1 D-F

Schedule "B"
Business Licence Bylaw No. 352

Maximum Fee is \$500

TABLE 1	1 Employee	2 Employees	3 Employees	4 Employees	5 or More Employees
A Specific Business	\$35	\$35	\$35	\$35	
B Specific Business	\$65				
C Specific Business	\$35	\$65			
D Home Business Lots < 2,000 m ²	\$35	\$65	\$65		
E Home Business Lots 2,000 m ² - 2 ha	\$35	\$65	\$65		
F Home Business Lots > 2 ha	\$35	\$65	\$65	\$65	
G Commercial	\$35	\$65	\$65	\$65	\$85

TABLE 2	Flat Rate
I Term	\$50
II Intermunicipal	\$100