



## DISTRICT OF SOOKE BUSINESS LICENCE BYLAW No. 778

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### CONSOLIDATED FOR REFERENCE JULY 11, 2022

BYLAW No. 778, BUSINESS LICENCE BYLAW, 2021  
BYLAW No. 828 (778-01), BUSINESS LICENCE AMENDMENT BYLAW, 2021  
BYLAW No. 850 (778-02), BUSINESS LICENCE AMENDMENT BYLAW, 2022

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

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#### 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. Mobile Food Vendors must not be located permanently on a site, must be fully self-contained, and must be able to demonstrate the ability to be relocated off-site within 24 hours. *(amended by Bylaw No. 828, 2021)*

**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*.

**Unaltered** means a farm product that has not undergone a process of adding value by physical, biological or other means including but not limited to fermentation, cooking, canning, smoking, or drying.

**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 licence 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 business operating solely on Federal Crown Land; or
  - (2) 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.

### **Licencing 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 31<sup>st</sup> 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.
31. The following businesses are exempt from the annual business licence fee:

- (1) Any activities carried on by the government, its agencies or government owned corporations; or
- (2) 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
- (3) Non-profit, philanthropic, charitable, or religious organizations with supporting documentation; or
- (4) Any performance, concert, exhibition or entertainment, or community event in which the entire proceeds, above actual expenses, are devoted to any charitable purpose.

### **Licence Periods**

32. 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.
33. 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**

34. 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**

35. 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.
36. 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.

37. 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.
38. Licensees shall not make any change to their business without first obtaining the approval of the Licence Inspector.
39. 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.
40. 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**

41. No person shall conduct business on any municipal property unless permission is obtained from the District through a licence of occupation, contract, permit, or other approval deemed appropriate by the District.
42. 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**

43. 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.
44. 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**

45. 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.
46. Persons that sell unaltered natural farm products are required to apply for, and obtain a business licence for a Farm Stand. This use does not include the retail sale or dispensing of cannabis.

### **Cannabis Retail Stores**

47. 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.
48. 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**

49. 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.
  - (4) Submission of a "Code of Practice Registration Form" outlining wastewater retention and disposal plans in accordance with the District's Sewer Use Bylaw. *(amended by Bylaw No.828, 2021)*
50. 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.
51. 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.
52. Licencees must comply with the Code of Practice for Mobile Food Vendors outlined in the District's Sewer Use Bylaw. The Code of Practice regulates the management and discharge of waste, including cooking grease. *(amended by Bylaw No.828, 2021)*

## **Prohibitions**

- 53. 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.
- 54. No person, being the holder of a Non-Resident Business Licence, shall carry on such business in or from premises located within the District.
- 55. 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.

## **Offences and Penalties**

- 56. Enforcement Officers, offences, and fines are as designated by the Municipal Ticketing Information Bylaw.
- 57. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the Community Charter.
- 58. Any person who contravenes this bylaw commits an offence and on summary conviction by a court of competent jurisdiction, is subject to a fine of not more than \$50,000.00, in addition to the costs of prosecution. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.

## **Severability**

- 59. 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**

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

## **Schedules**

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

Schedule A – Municipal Ticket Information Designations  
[DELETED BY BUSINESS LICENCE AMENDMENT BYLAW NO. 850 (778-02),  
2022]

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

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

PUBLIC INPUT held the 22 day of March, 2021.

READ a THIRD time as amended the 28 day of June, 2021.

ADOPTED the 12 day of July, 2021.

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Maja Tait  
Mayor

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Carolyn Mushata  
Corporate Officer

**SCHEDULE A**

**Municipal Ticket Information Designations**

[DELETED BY BUSINESS LICENCE AMENDMENT BYLAW NO. 850 (778-02),  
2022]