



CORPORATION OF THE  
TOWNSHIP OF ESQUIMALT

BYLAW NO. 2482

A Bylaw for the Licencing and Regulation of Business

**CONSOLIDATED FOR CONVENIENCE**

**Consolidated for convenience only. In case of discrepancy,  
the Original Bylaw and amending Bylaws must be consulted**

Amendment Bylaw [No. 1], 2002, No. 2510

**BUSINESS LICENCE BYLAW  
TABLE OF CONTENTS**

<b>ITEM</b>	<b>PAGE NO.</b>
Citation .....	2
Purpose of Bylaw .....	2
<b>PART 1 - INTERPRETATION</b> .....	<b>2</b>
Definitions .....	2
Application .....	3
Words Not Defined in This Bylaw .....	3
Wording (gender) .....	3
Severability .....	3
Duty of Care .....	3
Administrative Directions .....	4
Headings .....	4
<b>PART 2 - LICENCE INSPECTOR</b> .....	<b>4</b>
Appointment of Licence Inspectors .....	4
Licence Inspector's Powers .....	4
Revoking of Business Licence .....	4
Right of Entry .....	4
<b>PART 3 - LICENCE REQUIRED</b> .....	<b>4</b>
Licence Fee .....	5
Forms .....	5
Effect of Licence .....	5
Licence Renewal .....	6
<b>PART 4 - REQUIREMENTS</b> .....	<b>6</b>
Display of Licence .....	6
Advertising .....	6
Circus or Carnival .....	6
Shows .....	6
Recycling Depot .....	7
Peddlers .....	7
Municipally Owned Lands .....	7
Occupancy Permit .....	7
Trade Qualifications .....	7
Garage Sales .....	8
<b>Part 5 - OFFENCES - PENALTIES</b> .....	<b>8</b>
Offence .....	8
Penalties .....	8
<b>PART 6 – EFFECTIVE DATE</b> .....	<b>9</b>
<b>PART 7 – MISCELLANEOUS</b> .....	<b>9</b>
Repeal .....	9
Schedules .....	9
<b>SCHEDULE A</b> .....	<b>10</b>
<b>SCHEDULE B</b> .....	<b>11</b>

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2482

#### A Bylaw for the Licencing and Regulation of Business

WHEREAS Section 658 of the *Local Government Act* RS BC Chap 323 authorizes the adoption of a Business Licence and Regulation Bylaw;

AND WHEREAS Section 662 of the *Local Government Act* RS BC Chap 323 authorizes the adoption by bylaw of an Intermunicipal Business Licence Scheme;

AND WHEREAS the Council of the Corporation of the Township of Esquimalt deems it advisable to provide for the licencing and to regulate the operation of business within the Township of Esquimalt;

NOW, THEREFORE the Council of the Corporation of the Township of Esquimalt in open meeting assembled enacts as follows:

#### **Citation**

1. This Bylaw may be cited as the "BUSINESS LICENCE AND REGULATION BYLAW, 2001, No. 2482".

#### **Purpose of Bylaw**

2. To provide licensing and regulations for businesses operating within the Corporation of the Township of Esquimalt and for the issuance of Intermunicipal Business Licences.

### **PART 1 - INTERPRETATION**

#### **Definitions**

3. In this bylaw, unless the context otherwise requires

**"Act"** means the *Local Government Act* being chapter 323 of the Revised Statutes of B.C. as amended from time to time.

**"Apartment"** means a building, which contains three or more dwelling units with each dwelling unit having its principal access from an entrance or hallway or exterior walkway common to other dwelling units.

<b>“Business”</b>	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, this but does not include an activity carried on by the government, its agencies or government owned corporation 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.
<b>“Floor Area”</b>	means all the floor space contained within the building or buildings, structure or structures within which the said trade, business or occupation is carried on.
<b>“Home Crafts”</b>	are articles made by hand such as jewellery, dolls, woodcrafts stuffed animals, holiday art, toys, greeting cards, candles, soap, flower arranging, clothing and fabric art.
<b>“Intermunicipal Business Licence”</b>	means a business licence issued by a municipality that is party to the Intermunicipal Business Licence Agreement authorized by the Intermunicipal Business Licence Agreement Authorization Bylaw, 1999 No. 2379 and any amendments, replacement bylaw and agreements.
<b>“Licence Inspector”</b>	means the person from time to time duly appointed as Business Licence Inspector for the municipality and also any person lawfully acting in that capacity.
<b>“Municipal Council”</b>	means the Municipal Council of the Corporation of the Township of Esquimalt.
<b>“Municipality”</b>	means the Corporation of the Township of Esquimalt.
<b>“Non-Resident Business”</b>	means a business other than a resident business carried on within the Township of Esquimalt or with respect to which any work or service is performed within the Township.
<b>“Peddler”</b>	means a person engaged in the business of selling directly to the public by calling from premise to premise, or by setting up a temporary business on property in order to expose samples, take orders, and/or offer for sale, wares or merchandise of any kind but excludes garage sales by a resident of the property.
<b>“Person”</b>	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.
<b>“Premise”</b>	includes a store, office, warehouse factory building, enclosed yard, house or other place or any part thereof occupied or used by any person for the purpose of any business, trade or occupation and also includes any area situated within any of the foregoing, where more than one separate and/or distinct class or classification of business is carried out.

<b>“Pub”</b>	includes any place where alcoholic liquor is sold to be consumed on site (saloon, inn, hotel, etc.) but excludes restaurants.
<b>“Recycling Depot”</b>	includes any premise used for the collection and shipping of recyclable materials.
<b>“Resident Business”</b>	means a business carried on in or from premises within the Township of Esquimalt.
<b>“Shows”</b>	includes live entertainment or other forms of entertainment, dances, trade shows and other public shows.
<b>“Trade Qualification”</b>	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

### Application

4. This bylaw applies to all land (including the surface of water), buildings or structures within the boundaries of the Corporation of the Township of Esquimalt subject to Provincial and Federal enactments.

### Words Not Defined in This Bylaw

5. All other words and phrases appearing in both this bylaw and the **Local Government Act** shall bear the same meaning in this bylaw as they bear where they appear in the **Local Government Act**.

### Wording (gender)

6. Unless the context otherwise requires, wording importing the singular number or masculine gender shall include the plural number or feminine gender, and the converse shall also apply.

### Severability

7. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

### Duty of Care

8. This bylaw does not create any duty of care whatsoever on the *Municipality*, the Council Members, Officers, *Licence Inspector*, or any employees or agents of the *Municipality* in respect of:
  - (1) the issuance of a licence;
  - (2) inspection made by the Licence Inspector or failure to make an inspection;
  - (3) the enforcement of this bylaw.

### Administrative Directions

9. Words defining the responsibilities and authority of the *Licence Inspector* shall be construed to be an internal administrative direction and not as creating a duty.

### Headings

10. Section headings do not form part of this bylaw. They are included for convenience only and must not be used in interpreting this bylaw.

## PART 2 - LICENCE INSPECTOR

### Appointment of Licence Inspectors

11. The Council may by resolution appoint a *Licence Inspector* and one or more Deputy Licence Inspectors, who are authorized to carry out and administer the provisions of this bylaw.

### Licence Inspector's Powers

12. (1) The *Licence Inspector* may grant a Business Licence when satisfied that the applicant has complied with the requirements of this and all other applicable bylaws.
- (2) Pursuant to Section 659 of the Act the *Licence Inspector* may refuse to grant a Business Licence when not satisfied that the applicant has complied with the requirements of this and all other applicable bylaws.
- (3) Pursuant to Section 661 of the Act, if the Licence Inspector refuses to issue a Business licence the applicant is entitled to have Council reconsider the matter.

### Revoking of Business Licence

13. Pursuant to section 660 of the Act the *Municipal Council* may suspend or cancel a licence for reasonable cause.

### Right of Entry

14. Every *Licence Inspector*, Fire Inspector, and Bylaw Enforcement Officer of the *Municipality* 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.

## PART 3 - LICENCE REQUIRED

### Licence Required (subject to Local Government Act)

15. (1) No person shall carry on a business within the Township of Esquimalt without first obtaining a Township of Esquimalt Business Licence and paying a fee as described for such business under Schedule A or be the holder of a valid intermunicipal business licence

- (2) Where a *business* is carried on, in or from more than one premise within the *Municipality*, the *business* being carried on from each premise shall be deemed to be a separate *business*.
- (3) Where a *business* is carried on, in or from a premise within the *Municipality* and also provides services within other municipalities, this business must obtain a business licence for its premises and an intermunicipal business licence.
- (4) Any *person* who carries on more than one *business* from any one premise shall obtain a separate licence for each *business*.
- (5) No *person* shall transfer his place of *business* without first making an application to the *Licence Inspector*. After receiving an application and payment of a \$10.00 fee and subject to the approval of the *Licence Inspector*, the licence will be transferred.
- (6) Upon any change in the nature, character, kind or description of the *business* carried on by the holder of said licence within the *Municipality* or engaging in any further or additional *business* therein, it shall be the duty of the licence holder to pay forthwith for any further or additional licences as shall be applicable or required.

#### Licence Fee

16. Every *person* who applies for a Business Licence shall pay at the time of application, the applicable licence fee as prescribed in Schedule A to this bylaw provided that:
  - (1) Except as hereinafter provided, licences shall be granted 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.
  - (2) The licence fee prescribed in this bylaw shall be reduced by one-half in respect of a *business* that becomes liable to be licenced after the thirtieth day of June in any year.
  - (3) No refund of the annual 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 application is withdrawn prior to issuance of the Business Licence or if issuance of a Business Licence is refused.

#### Forms

17. Every *person* applying for a licence or for the transfer of a licence shall complete the forms prescribed by the *Licence Inspector* for such purpose.

#### Effect of Licence

18. (1) A Business Licence is not a representation or warranty that the licenced *business* complies with the bylaws of the *Municipality* or with any other regulations or standards.

- (2) A Business Licence authorizes only the *person* named in the Business Licence to carry on only the *business* described in the Business Licence, only at the *premises* or locations described in the Business Licence.

### Licence Renewal

19. The *Licence Inspector* shall make available to all licencees an invoice and renewal form on or before the fifteenth day of December each year.
  - (1) A licencee who proposes to renew a Business Licence shall obtain, complete and submit the renewal form and annual licence fee to the *Licence Inspector* not later than January 31 each year.
  - (2) If a *Business* Licence is not renewed as required by section 5(1) a licencee who wishes to continue to carry on the *business* shall submit an application form in accordance with section 3 and shall pay an additional licence fee of 10% of business licence fee, with a minimum additional fee of \$ 25.00.

## PART 4 - REQUIREMENTS

### Display of Licence

20. 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 a legible copy thereof.

### Advertising

21. No *person* shall advertise the carrying on of a *business* in the Municipality unless a Business Licence has been issued for that *business*.

### Circus or Carnival

22.
  - (1) A Circus or Carnival shall maintain a comprehensive liability policy of insurance for \$5,000,000.00 inclusive limits, covering bodily injury, death and property damage including loss thereof and shall produce proof of such insurance to the *Licence Inspector* with the application for a Business Licence.
  - (2) The operator of the Circus or Carnival shall ensure that each ride has an elevator inspection plate showing the last inspection of the ride.

### Shows

23. Any *person* operating a show or dance for *persons* under the age of nineteen or at shows or dances not under a liquor licence shall:
  - (1) operate the show between the hours of 7:00 p.m. and 1:00 a.m.;
  - (2) be required to provide one security guard from a recognized security company or a Peace Officer for every 30 *persons* licenced to be in the facility for which the show is held;

- (3) the security guards or Peace Officers will control the grounds around the show *premise* as well as the *premise* itself.

### Recycling Depot

24. Any *person* operating a recycling depot shall:
  - (1) operate a recycle depot fully enclosed within a building or in containers if stored outside of a building;
  - (2) be permitted to sell recycled material from the *premise* to walk in customers but must deliver the material received for disposal to a recycling plant.

### Peddlers

25. All peddlers shall when conducting or attempting to conduct *business*:
  - (1) state to any *person* with whom he is conducting or attempting to conduct *business* the name of the *business* or organisation with whom he is associated, affiliated or representing;
  - (2) state to any *person* with whom he is conducting or attempting to conduct *business* his full legal name, consisting of all personal names and surname;
  - (3) have affixed to his clothing and clearly visible to the public, an identification card on which is printed his full legal name and on which is affixed his photograph, said photograph being not smaller than passport size, namely 5cm by 5cm;
  - (4) display to any *person* inquiring, a copy of a valid *Business* Licence;
  - (5) have a letter of permission from the owner of the real property when setting up *business* on private property.

### Municipally Owned Lands

26. No *person* shall offer for sale, lease or rent, any goods or merchandise on any streets or boulevards within the municipality, unless permission is obtained from the *Municipal Council* or in the case of municipal parks and recreation facilities the permission of the Esquimalt Parks and Recreation Commission.

### Occupancy Permit

27. No *person* shall occupy or permit occupancy of a new or remodelled *premise* for the purpose of carrying on a *business* unless the Municipal Building Official has issued an occupancy permit for the premise.

### Trade Qualifications

28. Any *person* applying for a business licence in an occupation, which is within the jurisdiction of the Ministry of Advanced Education, Training and Technology, must present proof of Trade Qualification at the time of application.

**Garage Sales**

29. Any occupier of a property who conducts more than three garage sales within one calendar year requires a business licence. Each such sale shall be not longer than 3 consecutive days.

**Part 5 - OFFENCES - PENALTIES****Offence**

30. It is an offence for any *person* to:
- (1) carry on a *business* for which a *Business* Licence is required pursuant to this bylaw without holding a valid and current *Business* Licence for the *business*;
  - (2) tender a cheque or other negotiable instrument in full or partial payment of any licence fee payable hereunder, if said cheque or negotiable instrument is fraudulent;
  - (3) fail to display a valid and subsisting *Business* licence as required by the provisions of this bylaw;
  - (4) fail to furnish any information or documentation as required by the provisions of this bylaw;
  - (5) carry on or remain open for *business* after receiving notice that the *business* licence has been suspended or revoked .
  - (6) violate any provisions of this bylaw;
  - (7) suffer or permit any act to be performed in violation of this bylaw;
  - (8) neglect or refrain from fulfilling all requirements or provisions of this bylaw.

**Penalties**

31. (1) Any *person* who commits an offence under this bylaw is punishable in accordance with the *Offence Act* of British Columbia.
- (2) No *person* shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw. Every *person* who contravenes this Bylaw by wilfully doing any act which it forbids, or wilfully omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$2,000.00. A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues. The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw. [Bylaw No. 2510]

- (3) Notwithstanding anything herein contained, the amount of any and every licence fee payable by any *person* pursuant to the provisions of this Bylaw 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.

**PART 6 – EFFECTIVE DATE**

- 32. This bylaw shall come into effect on January 1, 2002 with the exception of Part 3 Clause 5 (2), which shall come into effect on January 1, 2003.

**PART 7 – MISCELLANEOUS**

**Repeal**

- 33. The following bylaws of the Corporation of the Township of Esquimalt, and amendments thereto, are hereby repealed.
  - (1) Bylaw No. 262, “Shops Early Closing Bylaw, 1935”
  - (2) Bylaw No. 432, “Barber Shops Early Closing Bylaw 1946”
  - (3) Bylaw No. 454, “Restaurant Regulation Bylaw, 1947”
  - (4) Bylaw No. 455, “Bread Regulation Bylaw, 1947”
  - (5) Bylaw No. 954, “Shop Closing Exemption Bylaw, 1961”
  - (6) Bylaw No. 1013, “Meat Inspection and Regulation Bylaw, 1962”
  - (7) Bylaw No. 1660, “Holiday Shopping Regulation Act Bylaw, 1980”
  - (8) Bylaw No.1698, “Amusement Machine and Games Room Regulation Bylaw, 1982”
  - (9) Bylaw No. 1754, “Business Licence Bylaw, 1983”
  - (10) Bylaw No. 1817, “Business Regulation (Recreation Vehicle Parks), 1986”
  - (11) Bylaw No. 2124, “Automobile Service Station and Garage Hours Bylaw, 1994, No. 2124”
  - (12) Bylaw No. 597, “Automatic Vending Machine Bylaw, 1954” *[Bylaw No. 2510]*

**Schedules**

- 34. Schedules A and B attached hereto form part of this bylaw.

**READ** a first time by the Municipal Council this 10<sup>th</sup> day of December 2001

**READ** a second time by the Municipal Council this 10<sup>th</sup> day of December 2001

**READ** a third time by the Municipal Council this 10<sup>th</sup> day of December 2001

**ADOPTED** by the Municipal Council this 14<sup>th</sup> day of December 2001

R. T. RICE  
MAYOR

M.H. JOHNSTON  
ACTING CORPORATE ADMINISTRATOR

**SCHEDULE A**  
**BYLAW NO. 2482**

<b><u>Classifications</u></b>	<b><u>Fees</u></b>
<b><u>Municipal</u></b>	
1. Home Crafts	\$ 50.00
2. Non – Resident	\$ 100.00
3. Commercial – Small – less than 465 Sq. Metres (5,000 Sq. Ft.)	\$ 100.00
4. Commercial - Large – more than 465 sq. Metres (5,000 Sq. Ft)	\$ 200.00
5. Apartments - fee per apartment unit	\$ 15.00
6. Bulk Oil Storage	\$ 2,000.00
7. Pub	\$ 2,000.00
8. Liquor Sales (off site consumption)	\$ 2,000.00
<b><u>Intermunicipal</u></b>	<b>\$ 100.00</b>

\*Intermunicipal *business* licences may be issued to the classes of businesses listed on SCHEDULE B

## **SCHEDULE B**

Classes of Business eligible for Intermunicipal Business Licence:

1. Contractors all types – includes but not limited to:

Acoustics	Interior design
Alarm Systems	Irrigation
Alteration	Iron Worker
Appliance Repair	Janitorial Service
Aluminium Products	Land Clearing
Audio/Video Systems	Landscape Curbs
Bathroom Refinishing	Landscaping
Bricklayer	Lather
Building	Locksmith
Building Mover	Masonry
Building Washing	Mechanical
Bulldozing	Metal Worker
Cabinet Maker	Nursing Services
Carpenter	Oil Worker
Carpet Cleaning	Overhead doors
Chimney Cleaner	Painter
Cleaning Services	Painting and Decorating
Communication Systems	Paving
Concrete	Pest Control
Concrete Cutting and Coring	Pilings
Crack Sealing	Pipeline
Decks	Power Vacuum
Demolition	Power Washing
Diving	Plaster and Stucco
Doors	Plumbing
Drapery and Awnings	Plumbing and Heating
Dredging	Pools and Spas
Drilling and Blasting	Refrigeration and Air Conditioning
Driveway Sealing	Reinforcing Steel
Drywall and Plaster	Renovation
Electrical	Restaurant Equipment
Elevator	Restoration Service
Energy Conservation	Roofer/ Shingler
Excavating	Roof Inspection
Fencing	Sand Blaster
Fire Sprinkler	Sealant Roof and Driveway
Fireplaces	Sanitary Engineer
Floor Laying	Security Service
Furnace Repair	Sewer and Drain
Fuel Tanks	Sheet Metal
Garage Doors	Siding
Garbage Disposal	Sign
Garden Services	Solar Heating

## SCHEDULE B

Gas Fitter	Stucco
General Contractor	Telephones
Glazing	Tile Setter
Gutter Installation	Traffic Control
Handy Person	Traffic Control Maintenance
Hauling	Tree Service
Heat Pumps	Trucking
Heating	Ventilation
Home Improvement	Water Proofing
Home Repair	Welding
House Moving	Window Coverings
Industrial Flooring	Window Screens
Inspection Service	Woodworking

2. Towing Services

3. Mobile Sales and Service - Includes, but not limited to:

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