



INTER-MUNICIPAL BUSINESS
LICENCING
BYLAW 3523, 2013

BYLAWS



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Cover photo by Toni Falk



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INTER-MUNICIPAL BUSINESS LICENCING BYLAW 3523, 2013

ADOPTED November 5, 2013

PURPOSE

A bylaw to establish a scheme for Inter Municipal Licencing and Regulating of Trades,
Occupations and Businesses

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The Council of the City of Campbell River enacts as follows:

PART 1: Title

1.0 This bylaw may be cited for all purposes as “Inter-Municipal Business Licensing Bylaw 3523, 2013”.

PART 2: Definitions

2.0 In this bylaw, unless the context otherwise requires:

BUSINESS has the meaning as defined by the “Community Charter Schedule – Definitions and Rules of Interpretation”.

EXCLUDED BUSINESS means a Business excluded from application for an Inter-Municipal Business Licence and includes those Businesses referred to in *Schedule A* attached hereto and forming part of this bylaw.

INTER-MUNICIPAL BUSINESS means a Business that performs a service or activity within more than one Participating Municipality by moving from client to client rather than having clients come to them. This includes but is not limited to trades, plumbers, electricians, cleaning services, pest control or other similar businesses. This does not include fruit stands, flea markets, trade shows or other similar businesses.

INTER-MUNICIPAL BUSINESS LICENCE means a business licence which authorizes Inter-Municipal Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with this Bylaw and will be in addition to a Municipal Business Licence.

MUNICIPAL BUSINESS LICENCE means a licence or permit, other than an Inter-Municipal Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality.

PARTICIPATING MUNICIPALITY

means the following local governments that have adopted the *Inter-Municipal Business Licence Bylaw*:

- City of Campbell River
- City of Courtenay
- City of Duncan
- City of Nanaimo
- City of Parksville
- City of Port Alberni
- District of North Cowichan
- District of Lantzville
- Town of Comox
- Town of Lake Cowichan
- Town of Ladysmith
- Town of Qualicum Beach
- Village of Cumberland

PERSON

has the meaning ascribed to it by the *Interpretation Act*.

PREMISES

means a fixed or permanent location where the applicant ordinarily carries on Business.

PRINCIPAL MUNICIPALITY

means the Participating Municipality where a Business is physically located, or has a Premise, or, where the licensee does not maintain a Premise in any of the Participating Municipalities, the municipality that issues the Inter-Municipal Business Licence.

PART 3: Regulations

- 3.0** Subject to Sections 3.2 and 3.4, a person who has obtained an Inter-Municipal Business Licence may carry on business within a Participating Municipality for the term authorized by the Inter-Municipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
- 3.1** A Participating Municipality may issue an Inter-Municipal Business Licence to an applicant for an Inter-Municipal Business Licence provided the business type is an Inter-Municipal Business and is not an Excluded Business, the applicant has a valid Municipal Business Licence issued by that Participating Municipality, and the applicant meets the requirements of this Bylaw
- 3.2** A person holding an Inter-Municipal Business Licence must comply with all other regulations and bylaws of the Participating Municipality in which they are carrying on business.

- 3.3** A business that operates under an Inter-Municipal Business Licence in more than one Participating Municipality shall only apply for an Inter-Municipal Business Licence from the Participating Municipality in which they maintain Premises.
- 3.4** Notwithstanding the issuance of an Inter Municipal Business Licence, every person who carries on, maintains, owns or operates, within a Participating Municipality, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premises or store shall obtain a separate Municipal Business Licence for each branch, office, place, premises or store. And further notwithstanding Sections 3.1, 3.2, and 3.3, the Participating Municipalities agree that where an applicant for an Inter-Municipal Business Licence:
- a)** Does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them;
 - b)** Maintains Premises in more than one of the Participating Municipalities, the applicant must apply at one of the Participating Municipalities where they maintain Premises.

PART 4: Fees

- 4.0** The fee for an Inter-Municipal Business Licence is \$150 and shall be paid in full at the time of application and retained by the Participating Municipality that issues the licence.
- 4.1** The fee for an Inter-Municipal Business Licence is separate and additional to any Municipal Business Licence fee that may be required.

PART 5: Application

- 5.0** Every Inter-Municipal Business Licence shall be issued on a standard form provided for that purpose, as agreed upon from time to time by the Participating Municipalities and including, as a minimum, the following information:
- a)** Disclosing the nature and character of the profession, business, trade, occupation, calling, undertaking or thing to be carried on, maintained, owned or operated by the applicant;
 - b)** Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
 - c)** Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
 - d)** Disclosing the number of distinctive lines of goods sold or offered for sale;

- e) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Municipality may require.

5.1 Each Participating Municipality shall provide to all other Participating Municipalities standardized information regarding the Inter-Municipal Business Licences issued, by way of at least weekly updates on a shared database available to all Participating Municipalities.

PART 6: Suspension or Cancellation of an Inter-Municipal Business Licence

6.0 A Council or Designated Officer or Employee of a participating municipality may exercise the authority of the Principal Municipality in accordance with Sections 15 and 60 of the *Community Charter* to suspend or cancel an Inter-Municipal Business Licence. The suspension or cancellation shall be in effect throughout all of the Participating Municipalities and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Municipal Business Licence in any Participating Municipalities for the period of the suspension or cancellation.

6.1 Before suspending or canceling an inter-community Business Licence under Section 6.0, the Participating Municipality must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.

a) If the licence holder wishes to exercise this right, the Participating Municipality shall communicate in writing to the licence holder and Principal Municipality that issued the Inter-Municipal Business Licence, together with such documentary evidence of the reasons for suspension or cancellation as may be available and the request to be heard. Such Principal Municipality shall then as soon thereafter as reasonably possible provide the Licence Holder an opportunity to address their respective Council who will then consider whether to suspend or cancel the Inter-Municipal Business Licence;

b) If the licence holder does not exercise their right to be heard, the Participating Municipality may suspend or cancel the Inter-Municipal Business Licence in accordance with Section 6.0.

6.2 Any conduct by a licence holder resulting in a hearing made under Section 6.1 a) shall be considered by the Council of the Principal Municipality as though it happened within the jurisdiction of the Principal Municipality.

6.3 A decision by a Principal Municipality or Participating Municipality to cancel or suspend an Inter-Municipal Business Licence under Sections 6.0 and 6.1 shall be honoured by all Participating Municipalities.

- 6.4** Nothing in this Bylaw impedes the authority of a Participating Municipality to suspend or cancel any business licence issued by that Municipality, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the *Community Charter* and amendments thereto.

PART 7: Miscellaneous

- 7.0** A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Municipal Business Licence scheme established by this bylaw. Notice must:
- a)** Set out the date on which the withdrawing Municipality will no longer recognize the validity within its boundaries of business licences issued pursuant to this Bylaw, which date must be at least six months from the date of the notice; and
 - b)** Include a certified copy of the Bylaw authorizing the withdrawal.
- 7.1** An Inter-Municipal Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality.

PART 8: Enactment

- 8.0** This bylaw comes into effect January 1, 2014.

PART 9: Severability

- 8.0** If any section, subsection, paragraph, clause, phrase or word within this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ THE FIRST TIME this 8th day of October, 2013

READ THE SECOND TIME this 8th day of October, 2013

READ THE THIRD TIME this 8th day of October, 2013

THIRD READING RESCINDED this 22nd day of October, 2013

READ A THIRD TIME AS AMENDED on this 22nd day of October, 2013

ADOPTED this 5th day of November 2013

Signed by the Mayor and City Clerk this 12th day of November 2013


MAYOR


CITY CLERK



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**Campbell
River**

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