

## THE CITY OF DUNCAN

### BYLAW NO. 3081

#### A BYLAW TO ESTABLISH A SCHEME FOR INTER COMMUNITY LICENCING AND REGULATING OF TRADES, OCCUPATIONS AND BUSINESSES

---

**WHEREAS** Council may, pursuant to Section 8(6) of the *Community Charter*, regulate in relation to business;

**AND WHEREAS** pursuant to Section 14 of the *Community Charter*, two or more municipalities may, by bylaw adopted by the Council of each participating municipality, establish an inter-municipal scheme in relation to one or more matters;

**AND WHEREAS** pursuant to Section 15(1) of the *Community Charter*, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

**AND WHEREAS** Council has given notice of its intention to adopt this bylaw by publishing such notice in two consecutive issues of a newspaper, the last publication appearing not less than three (3) and not more than ten (10) days before the hearing and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council at a hearing pursuant to Section 59 of the *Community Charter*.

**NOW THEREFORE** the Council of the City of Duncan in open meeting assembled hereby enacts as follows:

1. **CITATION**

This bylaw may be cited as City of Duncan "Inter-Community Business Licence – Bylaw No. 3081, 2013."

2. **DEFINITIONS**

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-Community Business Licence and includes those Businesses referred to in *Schedule A* attached hereto and forming part of this bylaw.

**“Inter-Community 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-Community Business Licence”** means a business licence which authorizes Inter-Community 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-Community 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-Community 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*.

**“Premise”** 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-Community Business Licence.

### **3. REGULATIONS**

- (a) Subject to Section (c) and (e), a person who has obtained an Inter-Community Business Licence may carry on business within a Participating Municipality for the term authorized by the Inter-Community Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
- (b) A Participating Municipality may issue an Inter-Community Business Licence to an applicant for an Inter-Community Business Licence provided the business type is an Inter-Community 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.
- (c) A person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Municipality in which they are carrying on business.
- (d) A business that operates under an Inter-Community Business Licence in more than one Participating Municipality shall only apply for an Inter-Community Business Licence from the Participating Municipality in which they maintain a Premise.
- (e) Notwithstanding the issuance of an Inter Community 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, premise or store shall obtain a separate Municipal Business Licence for each branch, office, place, premise or store. And further notwithstanding Sections (b), (c), and (d), the Participating Municipalities agree that where an applicant for an Inter-Community Business Licence:
  - i. Does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them; or
  - ii. Maintains a Premise in more than one of the Participating Municipalities, the applicant must apply at one of the Participating Municipalities where they maintain a Premise.

### **4. FEES**

- (a) The fee for an Inter-Community 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.

- (b) The fee for an Inter-Community Business licence is separate and additional to any Municipal Business Licence fee that may be required.

## 5. **APPLICATION**

- (a) Every Inter-Community 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:
- 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;
  - Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
  - Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
  - Disclosing the number of distinctive lines of goods sold or offered for sale;
  - Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Municipality may require.
- (b) Each Participating Municipality shall provide to all other Participating Municipalities standardized information regarding the Inter-Community Business Licences issued by way of at least weekly updates on a shared database available to all Participating Municipalities.

## 6. **SUSPENSION OR CANCELLATION OF AN INTER-COMMUNITY BUSINESS LICENCE**

- (a) 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-Community 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-Community Business Licence in any Participating Municipalities for the period of the suspension or cancellation.

- (b) Before suspending or canceling an Inter-Community Business Licence under Section 6(a), 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.
  - i. 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-Community 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-Community Business Licence.
  - ii. If the licence holder does not exercise their right to be heard, the Participating Municipality may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(a).
- (c) Any conduct by a licence holder resulting in a hearing made under Section 6(b)(i) shall be considered by the Council of the Principal Municipality as though it happened within the jurisdiction of the Principal Municipality.
- (d) A decision by a Principal Municipality or Participating Municipality to cancel or suspend an Inter-Community Business Licence under Section 6 (b) shall be honoured by all Participating Municipalities.
- (e) 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.

## **7. MISCELLANEOUS**

- (a) A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business Licence scheme established by this bylaw.

Notice Must:

- i. 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
  - ii. Include a certified copy of the Bylaw authorizing the withdrawal.
- (b) An Inter-Community Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality.

**8. SEVERABILITY**

- (a) If any section, paragraph or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

**9. EFFECTIVE DATE**

This Bylaw shall come into full force and effect on the first day of January 2014.

READ A FIRST TIME on the 23<sup>rd</sup> day of September, 2013.

READ A SECOND TIME on the 23<sup>rd</sup> day of September, 2013.

READ A THIRD TIME on the 23<sup>rd</sup> day of September, 2013.

NOTICE GIVEN in accordance with Sections 59 of the *Community Charter* by advertising in the Citizen Newspaper on the 2<sup>nd</sup>, 4<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> day of October, 2013 and in the Cowichan NewsLeader on the 2<sup>nd</sup>, 4<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> day of October, 2013.

ADOPTED on the 21<sup>st</sup> day of October, 2013.

---

Karen Burley,  
Director of Corporate Services

---

Phil Kent,  
Mayor

## **SCHEDULE A**

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Scheme set out in the bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines, or buses)
- Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique)