

## CITY OF MERRITT

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### BYLAW 2270 FRASER VALLEY INTER-COMMUNITY BUSINESS LICENCE BYLAW

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**WHEREAS** Fraser Valley municipalities wish to enter into an agreement with one another to permit certain categories of Businesses to operate across municipal jurisdictions within the Fraser Valley region while minimizing the need to obtain a separate Municipal Business Licence in each jurisdiction;

**AND WHEREAS** each of the undersigned local governments (herein called singularly the Participating Municipality or as a group the “Participating Municipalities”) has adopted this Bylaw;

**NOW THEREFORE** the Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### 1. Establishment

There is hereby established an intermunicipal business licence scheme, pursuant to Section 14 of the Community Charter and according to the terms and conditions of this Bylaw.

#### 2. Citation

This Bylaw shall be cited as the “**Fraser Valley Inter-Municipal Business Licence Bylaw 2270, 2019**”.

#### 3. Definitions

In this Bylaw, unless the context otherwise requires:

“**Business**” has the meaning as defined by the Community Charter;

“**Community Charter**” means the *Community Charter*, SBC. 2003, c 26;

“**Intermunicipal Business Licence**” means a business licence which authorizes a Mobile Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities in accordance with this Bylaw and will be in addition to a Municipal Business Licence;

**“Mobile Business”** means a trades contractor or other professional (related to the construction industry) or a contractor who performs maintenance and/or repair of land and buildings from other than their Premises;

**“Municipal Business Licence”** means a licence or permit, other than an Intermunicipal 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 those of the following municipalities that have adopted this Bylaw, and any municipalities or Regional District which subsequently adopts this Bylaw:

City of Abbotsford	City of Chilliwack	City of Delta	Village of Harrison Hot Springs
District of Hope	District of Kent	City of Langley	Township of Langley
District of Maple Ridge	City of Merritt	District of Mission	City of Pitt Meadows
City of Surrey			

**“Person”** has the meaning as defined by the *Interpretation Act*, SBC. 1996, c 238’;

**“Premises”** means a fixed or permanent location where the Person ordinarily carries on Business; and,

**“Principal Municipality”** means the Participating Municipality where a Business is located or has a Premises, or, where the Applicant for an Intermunicipal Business Licence does not maintain Premises in any of the Participating Municipalities, the municipality that issues the Intermunicipal Business Licence.

#### **Ability to carry on business within Participating Municipalities**

4. Subject to Sections 6 and 8, a Person who has obtained an Intermunicipal Business Licence may carry on Business within any Participating Municipality for the term authorized by the Intermunicipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.

#### **Issuance of an Intermunicipal Business Licence**

5. A Principal Municipality may issue an Intermunicipal Business Licence to an applicant for an Intermunicipal Business Licence provided the applicant is a Mobile Business and meets the requirements of this Bylaw in addition to the requirements of the Municipal Business Licence bylaw of the Principal Municipality.

6. Notwithstanding that a Person may hold an Intermunicipal Business Licence that would make it unnecessary to obtain a Municipal Business Licence in other Participating Municipalities, the Person must still comply with all other regulations of any municipal business licence bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.
7. A Participating Municipality may issue an Intermunicipal Business Licence to an applicant for a Business Licence provided the Business type is a Mobile Business within the meaning of this Bylaw, and the applicant meets the requirements of this Bylaw in addition to the requirements of the Intermunicipal Business Licence of the Participating Municipality. If the applicant has Premises in a Participating Municipality, they may only apply to that Participating Municipality for an Intermunicipal Business Licence.

#### **Municipal Licence required for Premises**

8. Neither this Bylaw nor the issuance of an Intermunicipal Business Licence eliminates a requirement of a holder of an Intermunicipal Business Licence to obtain a Municipal Business Licence for each Premises that is maintained within the jurisdiction of the Participating Municipality.

#### **Licence Fee**

9. The Intermunicipal Business Licence fee is \$250.00 for a business with premises in participating municipalities and \$300.00 for a business without premises in participating municipalities and is payable to the Principal Municipality. The Intermunicipal Business Licence fee is separate and additional to any Municipal Business Licence fee that may be required.
10. Notwithstanding that some Participating Municipalities pro-rate their Municipal Business Licence fee, the Intermunicipal Business Licence fee must not be pro-rated.

#### **Licence Fee Revenue Sharing**

11. The revenue generated from Intermunicipal Business Licence fees is shared amongst all Participating Municipalities using the revenue sharing formula referred to in Schedule "A" of this Bylaw.
12. The Participating Municipalities agree that the revenue sharing formula will be reviewed from time to time, and will be altered as necessary upon agreement of all Participating Municipalities.
13. The revenue generated from Intermunicipal Business Licence fees collected by the Participating Municipalities will be distributed by each Participating Municipality to the other Participating Municipalities as follows:

The revenue generated from Intermunicipal Business Licence fees collected from January 1 to December 31 inclusive will be distributed by February 28 of year following the year in which the fees were collected.

### **Term of an Intermunicipal Business Licence**

14. The term of the Intermunicipal Business Licence is the same as the term for the Municipal Business Licence issued by the Principal Municipality for that Business category.
15. An Intermunicipal Business Licence issued within the 12 month term of the intermunicipal business licence scheme established by this Bylaw shall, until its term expires, remain valid within the jurisdictional boundaries of any or all of the Participating Municipalities.

### **Communication between Participating Municipalities**

16. Each Participating Municipality shall provide the other Participating Municipalities with information regarding the Intermunicipal Business Licences that it issues by way of regular updates on a shared database that is available to all Participating Municipalities.

### **Suspension of an Intermunicipal Business Licence**

17. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Intermunicipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or the Municipal Business Licence bylaw or regulation of the Participating Municipality. The suspension 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 Intermunicipal Business Licence in any Participating Municipality for the period of the suspension.

### **Cancellation of an Intermunicipal Business Licence**

18. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Intermunicipal Business Licence issued by another of the Participating Municipalities, then it may by resolution reciting the details of such reasonable cause request the Principal Municipality that issued the licence to consider whether or not the licence should be cancelled pursuant to Section 15 or Section 60(2) of the Community Charter.
19. Any resolution made under Section 18 of this Bylaw shall be communicated in writing to the Principal Municipality that issued the Intermunicipal Business Licence, together with such documentary evidence of the reasonable cause as may be available, and such Principal Municipality shall as soon thereafter as reasonably possible consider whether the Intermunicipal Business Licence should be cancelled.
20. In making any decision as to whether to cancel an Intermunicipal Business Licence under Section 18 of this Bylaw or Section 15 or Section 60(2) of the Community Charter, the Principal Municipality shall approach the matter as if the conduct complained of had occurred within its own jurisdictional boundaries.

**Reconsideration and Appeals**

- 21. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Intermunicipal Business Licences.
- 22. Nothing in this Bylaw affects 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 category of Business under Section 15 of the Community Charter.

**Invalidity and Severability**

- 23. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.

**Primacy**

- 24. In the event of an inconsistency between this Bylaw and any other bylaw relating to business licencing of a Participating Municipality, the provisions of this Bylaw shall take precedence.

**Effective Date**

- 25. This Bylaw shall come into force and take effect on the 1st day of January, 2020.

READ A FIRST TIME THIS	13 <sup>th</sup> Day of August, 2019
READ A SECOND TIME THIS	13 <sup>th</sup> Day of August, 2019
READ A THIRD TIME THIS	13 <sup>th</sup> Day of August, 2019
ADOPTED THIS	

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LINDA BROWN,  
MAYOR

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SEAN SMITH,  
CORPORATE OFFICER

**Schedule “A”**

The revenue generated from Intermunicipal Business Licence fees is based on the following formula:

1. For revenue generated from Intermunicipal Businesses with premises within Participating Municipalities the Principal Municipality is to retain 90% of the fee collected and the remaining 10% is to be distributed to the remainder of the Participating Municipalities
2. The Participating Municipalities will distribute revenue generated from Intermunicipal Business Licence fees from Intermunicipal Businesses without premises within Participating Municipalities evenly amongst all participating Municipalities.