



The Corporation of the District of North Cowichan

Inter-Community Business Licence Bylaw

Bylaw 3525

[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Current to January 2, 2019. Last amended December 19, 2018. Amendments: 3728.]

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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, pursuant to section 59 of the *Community Charter*, by publishing a notice in two consecutive issues of a newspaper, and has provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council;

NOW THEREFORE the council of The Corporation of The District of North Cowichan enacts as follows:

Definitions

1 In this Bylaw:

"business" means business as defined in the *Community Charter*;

“excluded business” means the following types of businesses:

- (a) social escort services;
- (b) vehicles for hire, including taxis, limousines and buses;
- (c) body-rub services that include the manipulating, touching or stimulating, by any means, of a person or part thereof, but not medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under Provincial statute;
- (d) fruit stands;
- (e) flea markets;
- (f) trade shows or similar business;

“inter-community business” means a business, other than an excluded business, that operates in more than one participating municipality;

“inter-community business licence” means a licence that authorizes inter-community business to be carried on within the boundaries of each participating municipality in accordance with this Bylaw;

“Municipal business licence” means a licence, other than an inter-community business licence, 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 inter-community business licence bylaws:

- (a) City of Campbell River;
- (b) City of Courtenay;
- (c) City of Duncan;
- (d) City of Nanaimo;
- (e) City of Parksville;
- (f) City of Port Alberni;
- (g) District of North Cowichan;
- (h) Town of Comox;
- (i) Town of Lake Cowichan;
- (j) Town of Ladysmith;
- (k) Town of Qualicum Beach;
- (l) Village of Cumberland;

and any other local governments that adopt this Bylaw at a later date; [BL3728]

“person” means person as defined in the *Interpretation Act*;

“premise” means a fixed or permanent location where the applicant ordinarily carries on business;

“principal municipality” means

- (a) the participating municipality where a business is physically located or has a premise, or
- (b) the municipality that issues the inter-community business licence, if the licensee does not maintain a premise in any participating municipality.

Establishment

- 2** This bylaw establishes an inter-municipal scheme in relation to the licensing of inter-community business.

Regulations

- 3**
- (1) Subject to subsections (3) to (5), a person who obtains 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 from other participating municipalities.
 - (2) A participating municipality may issue an inter-community business licence to an applicant, provided the applicant
 - (a) has a valid municipal business licence from the participating municipality, and
 - (b) meets the requirements of this Bylaw.
 - (3) For certainty, a person holding an inter-community business licence must comply with the applicable regulations of each participating municipality in which the inter-community business is carried on.
 - (4) An application for an inter-community business licence may be made to
 - (a) a participating municipality in which the applicant maintains a premise, or
 - (b) any participating municipality if the applicant does not maintain a premise in a participating municipality.
 - (5) Despite the issuance of an inter community business licence, every person within a participating municipality who carries on business from more than one location must obtain a separate municipal business licence for each location.

Fees

- 4** The fee for an inter-community business licence is prescribed in the Fees Bylaw and must be
- (a) paid in full at the time of application,
 - (b) retained by the participating municipality that issues the licence, and
 - (c) is in addition to any municipal business licence fee payable.

- 4.1** The annual Inter-Community Business Licence fee prescribed in the Fees Bylaw may be reduced pro-rata in respect of any person who becomes liable to be licensed after the commencement of the licence period, on the same basis as a municipal business licence

[BL3728].

Licence

- 5** (1) An inter-community business licence must
- (a) be issued on a standard form provided for that purpose, as agreed upon from time to time by the officers or employees of the participating municipalities, and
 - (b) include, as a minimum, the following information about the inter-community business:
 - (i) the nature and character of the business;
 - (ii) the mailing address and contact information;
 - (iii) the number of persons employed;
 - (iv) the number of distinctive lines of goods sold or offered for sale;
 - (v) other information which a participating municipality may require.
- (2) At least weekly, each participating municipality must update a shared database with standardized information regarding the inter-community business licences it has issued.

Suspension or cancellation

- 6** (1) A Council or designated officer or employee of a participating municipality may exercise the authority of the principal municipality under sections 15 and 60 of the *Community Charter* to suspend or cancel an inter-community business licence.
- (2) A suspension or cancellation under subsection (1) is effective in all participating municipalities.
- (3) During a suspension or cancellation, the holder of an inter-community business licence must not carry on business in any participating municipality for the period of the suspension or cancellation.
- (4) Before suspending or cancelling an inter-community business licence, a participating municipality must give the licence holder notice of a proposed suspension or cancellation and an opportunity to be heard.
- (5) If the licence holder wishes to be heard regarding the proposed suspension or cancellation, the participating municipality must
- (a) give written notice to the licence holder and principal municipality that issued the inter-community business licence, together with such documentary evidence of the reasons for the proposed suspension or cancellation as may be available, and
 - (b) the participating municipality must then, as soon after as reasonably possible, provide the licence holder an opportunity to be heard before considering whether to suspend or cancel the inter-community business licence.
- (6) If the licence holder does wish to be heard, the participating municipality may suspend or cancel the inter-community business licence in accordance subsection (1).

- (7) Conduct by a licence holder that results in a hearing under this section must be considered by the principal municipality as though it happened within the jurisdiction of the principal municipality.
- (8) A decision by a principal municipality or participating municipality to cancel or suspend an inter-community business licence under this section must be honoured by all participating municipalities.
- (9) Nothing in this Bylaw prevents a participating municipality from
 - (a) suspending or cancelling a business licence it has issued, or
 - (b) regulating business pursuant to section 15 of the *Community Charter*.

Miscellaneous

- 7** (1) A participating municipality may withdraw from the inter-community business licence scheme established by this Bylaw by giving at least 6 month's written notice to all other participating municipalities.
- (2) Notice under subsection (1) must
 - (a) state the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of inter-community business licences, and
 - (b) include a certified copy of the bylaw authorizing the withdrawal.
- (3) An inter-community business licence issued before the effective date of the withdrawal, remains valid within the boundaries of the withdrawing municipality until the licence expires.

Severability

- 8** If any provision of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, that provision must be severed and the remainder of this Bylaw must continue in full force and effect.

Effective date

- 9** This Bylaw takes effect on January 1, 2014.

Read a first time on November 6, 2013
Read a second and third time on November 20, 2013
Adopted on December 4, 2013