

THE CORPORATION OF THE TOWNSHIP OF SPALLUMCHEEN

BYLAW NO. 2020, 2020

**A Bylaw to enter into an Inter-Community Business License Scheme**

WHEREAS Provincial municipalities have the authority under Section 14 of the *Community Charter* to establish an Intermunicipal business license scheme;

AND WHEREAS Provincial municipalities wish to enter into an agreement with one-another to permit certain kinds of Businesses to operate across municipal jurisdictions within the Province, while minimizing the need to obtain a separate Municipal Business License 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 Council of the Township of Spallumcheen, in open meeting assembled, enacts as follows:

1. 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**

2.1. This bylaw may be cited for all purposes as the "**Township of Spallumcheen Inter-Community Business License Bylaw 2020, 2020**".

3. **DEFINITIONS**

3.1. In this Bylaw, unless the context otherwise requires:

**"Business"** has the meaning as defined by the *Community Charter* Schedule – Definitions and Rules of Interpretation;

**"Community Charter"** means the Community Charter, SBC 2003, c.26, as amended or re-enacted from time to time;

**"Excluded Businesses"** means business types which are excluded from application for an Inter-Community (Mobile) Business License and includes those Businesses referred to in Schedule "A";

**"Fees"** means the schedule of fees prescribed in the Township of Spallumcheen Fees and Charges Bylaw;

**"Fees and Charges Bylaw"** means the current Township of Spallumcheen Fees and Charges Bylaw, as amended from time to time;

**"Inter-Community (Mobile) Business"** means a Business that performs a service or activity within more than one Participating Municipality but not from or in Premises in one

or more participating municipalities and who provides the service or activity by moving from client to client;

**“Inter-Community (Mobile) Business License”** means a business licence which authorizes a Mobile Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with this bylaw;

**“Municipal Business License”** means a license or permit, other than an Inter-Community (Mobile) Business License, 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 Inter-Community (Mobile) Business License Bylaw and any other municipalities that adopt this bylaw at a later date:

Central Okanagan Regional District	City of Salmon Arm	Town of Oliver
City of Armstrong	City of Vernon	Town of Osoyoos
City of Enderby	District of Coldstream	Town of Princeton
City of Kelowna	District of Lake Country	Township of Spallumcheen
City of Merritt	District of Peachland	Village of Keremeos
City of Penticton	District of Sicamous	Village of Lumby
City of Revelstoke	District of Summerland	City of West Kelowna

**“Person”** includes an individual, corporation, organization, partnership, proprietorship, firm and the personal or other legal representative of a person to whom the context may apply under this Bylaw;

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

**“Principal Municipality”** means the Participating Municipality where a Business is located or has Premises, or where the licensee does not maintain Premises in any of the Participating Municipalities the jurisdiction that issues the Inter-Community (Mobile) Business License; and

**“Township”** means the Township of Spallumcheen, a municipality, as described in its Letters Patent.

4. Subject to sections 5 and 7, a Person who has obtained an Inter-Community (Mobile) Business License may carry on Business within a Participating Municipality for the term authorized by the Inter-Community (Mobile) Business License without obtaining a Municipal Business License in the other Participating Municipalities.
5. A Participating Municipality may issue a Inter-Community (Mobile) Business License to an applicant for an Inter-Community (Mobile) Business License provided the Business type is not an Excluded Business, and the applicant meets the requirements of this bylaw in addition to the requirements of the Municipal Business License of that Participating Municipality.

6. Notwithstanding that a Person may hold an Inter-Community (Mobile) Business License that would make it unnecessary to obtain a Municipal Business License in other Participating Municipalities, the Person must still comply with all other regulations of any Municipal Business License bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.
7. A Business that operates a Mobile Business may only apply for an Inter-Community (Mobile) Business License from the Participating Municipality in which they maintain a Premise.
8. Neither this Bylaw nor the issuance of an Inter-Community (Mobile) Business License eliminates a requirement of a holder of an Inter-Community (Mobile) Business License to obtain a Municipal Business License for each Premise that is maintained within the jurisdiction of the Participating Municipality.
9. Notwithstanding Sections 4, 5 and 6, the Participating Municipalities agree that where an applicant for an Inter-Community (Mobile) Business License does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them. The Participating Municipality's Municipal Business License must be purchased prior to the application for an Inter-Community (Mobile) Business License.
10. The fee for an Inter-Community Business License is set in the Township of Spallumcheen's Fees and Charges Bylaw and shall be retained by the Participating Municipality that issues the license. The fee for an Inter-Community Business License is separate and additional to any Municipal Business License that may be required. The fee may be prorated to half if the Business started after July 31<sup>st</sup>.
11. Every Inter-Community (Mobile) Business License shall be issued in a standard form to be agreed upon from time to time by the Participating Municipalities. Each Participating Municipality shall periodically provide the other Participating Municipalities with a list of Inter-Community (Mobile) Business Licenses that it has issued during the calendar year.
12. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-Community (Mobile) Business License in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business license under the *Community Charter* or the business license or regulation bylaw 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 Inter-Community (Mobile) Business License in any Participating Municipality for the period of the suspension.
13. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Inter-Community (Mobile) Business License 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 license to consider whether or not the license should be cancelled pursuant to Sections 15 or Section 60(2) of the *Community Charter* and amendments thereto.
14. Any resolution made under Section 13 shall be communicated in writing to the Principal Municipality that issued the Inter-Community (Mobile) Business License, 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 Inter-Community (Mobile) Business License should be cancelled.

15. In making any decision as to whether to cancel an Inter-Community (Mobile) Business License under Section 14 or Section 60(2) of the *Community Charter* and amendments thereto, the Principal Municipality shall approach the matter as if the conduct complained of had occurred within its own boundaries.
16. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-Community (Mobile) Business Licenses.
17. Nothing in this bylaw affects the authority of a Participating Municipality to suspend or cancel any business license issued by that municipality or to enact regulations in respect of any class of Business under Section 15 of the *Community Charter* or amendments thereto.
18. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community (Mobile) Business License scheme established by this bylaw, and notice must:
  - 18.1. Set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of business licenses issued pursuant to this bylaw, which date must be at least six months from the date of the notice; and
  - 18.2. Include a certified copy of the bylaw authorizing the withdrawal.
19. An Inter-Community (Mobile) Business License issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality;
20. In the event of an inconsistency between this Bylaw and any other bylaw relating to business licensing of a Participating Municipality, the provisions of this bylaw shall take precedence.

## 21. SEVERABILITY

- 21.1. If any provision contained in the bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be, in any way, affected or impaired thereby to the extent that the purpose of the bylaw may be fulfilled in the absence of the impugned provision or provisions of the bylaw.

## 22. REPEAL BYLAWS

- 22.1. Upon adoption of this bylaw, the "Township of Spallumcheen Intermunicipal Business License Agreement Authorization Bylaw No. 1692, 2007" and amendments thereto are hereby repealed.

READ A FIRST TIME THIS 15<sup>th</sup> DAY OF June, 2020

READ A SECOND TIME THIS 15<sup>th</sup> DAY OF June, 2020

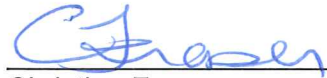
READ A THIRD TIME THIS 15<sup>th</sup> DAY OF June, 2020

ADOPTED BY COUNCIL THIS 13<sup>th</sup> DAY OF July, 2020

Certified Correct:



Cindy Grayes  
CORPORATE OFFICER



Christine Fraser  
MAYOR

## BYLAW 2020, 2020

### SCHEDULE "A"

1. Eligibility for an Inter-Community (Mobile) Business Licence is LIMITED to any business that performs a service in more than one of the participating municipalities, and who provides the service by moving from client to client. A business that has a storefront but also provides a service by moving from client to client in more than one of the participating municipalities where they do not have a storefront would be eligible to apply for an Inter-Community (Mobile) Business Licence for that portion of their business that would fall into the Inter-Community (Mobile) Business Licence criteria. More specifically, this includes contractors of all types (e.g. tradespeople, landscaping services, janitorial services, pest control, etc.) as well as other service providers (e.g. massage therapist, mobile mechanic, photographer, mobile hair dresser/barber, etc.). It must be noted that the Primary licence would be required for the storefront business and the mobile licence would be approved for only that portion of the business that fell within the Inter-Community (Mobile) Business Licence guidelines.
2. The following Business types are Excluded Businesses for the purposes of application for an Inter-Community (Mobile) Business Licence under the Inter-municipal (Mobile) business licencing scheme set out in this Bylaw:
  - (a) Social escort services
  - (b) Vehicles for hire (for example, taxis, limousines or buses)
  - (c) Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person's body or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a Person duly licenced or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique.)
  - (d) Those businesses selling goods or services to clients from the same location and not moving from client to client (e.g. fruit stands/trucks, food stands/trucks/trailers, mobile stores, mobile vendors, flea markets, carnivals, trade shows, etc.).