

District of Sechelt

Inter-Community Business Licence Bylaw No. 549, 2015

A Bylaw to establish a scheme for Inter-Community Business Licencing between the District of Sechelt, the Town of Gibsons and the Sechelt Indian Government District

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**WHEREAS** the Council may by bylaw, 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-Community 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;

**NOW THEREFORE** the Council of the District of Sechelt, in open meeting, enacts as follows:

**1. Title**

This bylaw may be cited for all purposes as the “District of Sechelt Inter-Community Business Licence Bylaw No. 549, 2015.”

**2. Definitions**

In this bylaw:

**Business** has the meaning in the *Community Charter*.

**Inter-Community Business** means a Business that performs service or activity within more than one jurisdiction by visiting clients to provide a service rather than having clients visit them for a service.

**Inter-Community Business Licence** means a Business Licence which authorizes Inter-Community Business to be performed throughout all participating municipalities and the Sechelt Indian Government District in accordance with this Bylaw.

**Municipal Business Licence** means a licence or permit issued by a Participating Municipality or the Sechelt Indian Government District that allows a Business to be carried on within the boundaries of that Municipality or the Sechelt Indian Government District only.

**Participating Municipality** means a local government that has adopted the Inter-Community Business Licence Bylaw and includes local governments and the Sechelt Indian Government District who will recognize the Inter-Community Business Licence.

**Principal Municipality** means the Participating Municipality where a business is physically located.

### 3. Regulations

- (a) A person who has obtained an Inter-Community Business Licence can operate their business for the specified term among all Participating Municipalities without obtaining a separate Business Licence from each Participating Municipality.
- (b) A Participating Municipality may issue an Inter-Community Business Licence to an applicant if the applicant has a valid business licence from that participating municipality and provided that the business type is agreed upon by all Participating Municipalities and is not an excluded business. The applicant must meet the requirements of this bylaw.
- (c) A person with an Inter-Community Business Licence must comply with the regulations of each Participating Municipality while performing business within their jurisdiction.
- (d) A Business that operates under an Inter-Community Business Licence in more than one Participating Municipality can only apply for an Inter-Community Business Licence from the Participating Municipality where they are fixed or have a permanent location to ordinarily carry on business except those in the Sechelt Indian Government District who may apply to the District of Sechelt.
- (e) An applicant must apply for an Inter-Community Business Licence from the Participating Municipality where they maintain a fixed location except those in the Sechelt Indian Government District who may apply to the District of Sechelt.
- (f) If a business does not have a fixed location, it may purchase an Inter-Community Business Licence from any Participating Municipality except the Sechelt Indian Government District.
- (g) A business that does not have a fixed location within the jurisdiction of any of the Participating Municipalities must first purchase a Municipal Business Licence in one of the Participating Municipalities as well as an Inter-Community Business Licence to perform their services in or across Participating Municipalities.
- (h) The Sechelt Indian Government District will direct businesses to apply for their Inter-Community Business Licence from the District of Sechelt.

- (i) All Participating Municipalities will recognize a valid Inter-Community Business Licence within their jurisdiction.
- (j) The Participating Municipality that issues an Inter-Community Business Licence must inform the Inter-Community Businesses that they must meet the business licencing requirements of all Participating Municipalities in which they are performing business.

#### **4. Fees**

- (a) The fee for an Inter-Community Business Licence from the District of Sechelt shall be \$50.00 and shall be paid in full at the time of application and will be retained by the District of Sechelt.
- (b) The fee for an Inter-Community Business Licence is separate and additional to the Municipal Business Licence fee that is required.

#### **5. Application**

- (a) Every Inter-Community Business Licence will be issued on a standard form and will include the following information:
  - i. Disclose the nature of the business to be carried on by the applicant.
  - ii. Provide the mailing address and contact information for the business.
  - iii. Provide the number of persons engaged or occupied in the business.
  - iv. Provide the type of goods sold or offered for sale
  - v. Include other information regarding the business that the Participating Municipality may require.
- (b) Each Participating Municipality will provide standardized information as outlined under 5(a) to all Participating Municipalities upon request regarding the Inter-Community Business Licences they have issued.
- (c) Each Participating Municipality will have a database of Inter-Municipal Business Licences.

## **6. Suspension or Cancellation**

- (a) A Council or Designated Officer or Employee of a Participating Municipality may use the authority of the Principal Municipality in accordance with Section 15 and 60 of the *Community Charter* to suspend or cancel an Inter-Community Business Licence. The suspension or cancellation will apply throughout all Participating Municipalities and it will be illegal for the business licence holder to carry on Business authorized by the Inter-Community Business Licence in any Participating Municipalities for the duration of the suspension or cancellation.
- (b) Before an Inter-Community Business Licence is suspended or cancelled, under Section 6(a), the Participating Municipality must give the licence holder notice and inform of their right to be heard.
  - i. If the licence holder wishes to exercise their right to be heard, the Participating Municipality must inform in writing the licence holder and Principal Municipality that issued the Inter-Community Business Licence. The Participating Municipality will also supply evidence regarding the reasons for suspension or cancellation. The Principal Municipality will then provide the Licence Holder an opportunity to address Council who will decide 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 pursuant to Section 6(a).
- (c) Any behavior by a licence holder that results in a hearing under Section 6 (b) (i) will be considered by the Council of the Principal Municipality as if it happened within their jurisdiction.
- (d) A decision by a Principal Municipality or Participating Municipality to cancel or suspend an Inter-Community Business Licence will be enforced by all Participating Municipalities.
- (e) This bylaw does not stop a Participating Municipality from suspending or cancelling any Business Licence issued by that Municipality, or to enact regulations related to any Business Licence in accordance with Section 15 of the *Community Charter*.

## **7. Withdrawal**

- (a) A Participating Municipality may provide notice in writing to each Participating Municipality to withdraw from the Inter-Community Business Licence.

The notice must:

i. State the date for which the withdrawing Municipality will no longer be in participation. The date must be at least six months from the date of notice. After the specified date, Inter-Community Business Licences will not apply within the withdrawn Participating Municipality.

(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.

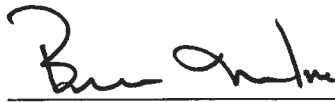
**8. Severability**

(a) If any section, paragraph or phrase in this Bylaw is held to be invalid by a decision of a Court of competent jurisdiction, the portion will be removed and the remainder of the Bylaw will remain in effect.

**9. Effective Date**

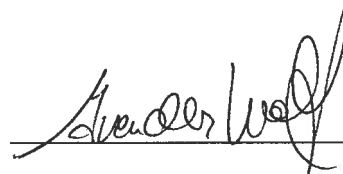
This Bylaw will come into effect on the first day of January 2016.

READ A FIRST TIME THIS	4 <sup>th</sup>	DAY OF	November, 2015
READ A SECOND TIME THIS	4 <sup>th</sup>	DAY OF	November, 2015
READ A THIRD TIME THIS	4 <sup>th</sup>	DAY OF	November, 2015
THIRD READING RESCINDED THIS	2 <sup>nd</sup>	DAY OF	December, 2015
RE-READ A THIRD TIME THIS	2 <sup>nd</sup>	DAY OF	December, 2015
ADOPTED THIS	16 <sup>th</sup>	DAY OF	December, 2015



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Mayor



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Interim Corporate Officer

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