

Bylaw No. 1890

A bylaw to establish a scheme for Inter-Community business licencing and regulation of trades, occupations and businesses.

WHEREAS the Council of the Town of Creston 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 government, 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;

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 Town of Creston, in open meeting assembled, hereby enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as “Inter-Community Business Licence Bylaw No. 1890, 2019”.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 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”.

“**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.

“Fee” means the fees and charges prescribed by the Fees and Charges Bylaw.

“Fees and Charges Bylaw” means the Fees and Charges Bylaw in force from time to time and adopted by the Council under section 194 of the Community Charter or similar successor legislation.

“Inter-Community Business” means a Business that performs a service or activity within more than one Participating Government 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 mobile food vendors, 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 Governments in accordance with this bylaw and will be in addition to a Standard Business Licence.

“Standard Business Licence” means a licence or permit, other than an Inter-Community Business Licence, issued by a Participating Government that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Government.

“Participating Government” means a municipality that is, by bylaw, participating in the Kootenay Inter-Community Business Licence Program. **BL#1947**

“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 Government” means the Participating Government where a Business is physically located, or has a Premise, or, where the licensee does not maintain a Premise in any of the Participating Governments, the Government that issues the Inter-Community Business Licence.

Part 4 Regulations

- 4.1 Subject to Sections 4.3 and 4.5, a person who has obtained an Inter-Community Business Licence may carry on business within a Participating Government for the term authorized by the Inter-Community Business Licence without obtaining a Standard Business Licence in the other Participating Governments.
- 4.2 A Participating Government 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 Business Licence issued by that Participating Government, and the applicant meets the requirements of this Bylaw.
- 4.3 A person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Government in which they are carrying on Business.
- 4.4 A Business that operates under an Inter-Community Business Licence in more than one Participating Government shall only apply for an Inter-Community Business Licence from the Participating Government in which they maintain a Premise.

- 4.5 Notwithstanding the issuance of an Inter-Community Business Licence, every person who carries on, maintains, owns or operates, within a Participating Government, 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 Standard Business Licence for each branch, office, place, premise or store. And further, notwithstanding Sections (b), (c), and (d), the Participating Governments agree that where an applicant for an Inter-Community Business Licence:
- i) does not maintain Premises in any of the Participating Governments, then the applicant may apply at any one of them; or
 - ii) maintains a Premise in more than one of the Participating Governments, the applicant must apply at one of the Participating Governments where they maintain a Premise.

Part 5 Fees

- 5.1 The Fee for an Inter-Community Business Licence is \$100.00 and shall be paid in full at the time of application in accordance with the Town of Creston's current Fees and Charges Bylaw, and will be retained by the Town of Creston as the Participating Government that issued the licence.
- 5.2 The fee for an Inter-Community Business Licence is separate and additional to any Business Licence fee that may be required.
- 5.3 The annual Inter-Community Business Licence fees prescribed in this bylaw may be reduced pro-rate in respect of any person who becomes liable to be licensed AFTER the commencement of the licence period, on the same basis as the municipal business licence.

Part 6 Application

- 6.1 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 Governments and including, as a minimum, the following information:
- i) 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;
 - ii) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
 - iii) Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
 - iv) Disclosing the number of distinctive lines of goods sold or offered for sale; or
 - v) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Government may require.

- 6.2 Each Participating Government shall provide to all other Participating Governments standardized information regarding the Inter-Community Business Licences issued, by way of a least monthly updates on a shared database (www.mobilebusinessregistry.ca) available to all Participating Governments.

Part 7 Suspension or Cancellation of an Inter-Community Business Licence

- 7.1 A Council or Designated Officer or Employee of a Participating Government may exercise the authority of the Principal Government 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 Governments and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Community Business Licence in any Participating Governments for the period of the suspension or cancellation.
- 7.2 Before suspending or canceling an Inter-Community Business Licence under Section 6(a), the Participating Government 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 Government shall communicate in writing to the licence holder and Principal Government 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 Government 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 Government may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(a).
- 7.3 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 Government as though it happened within the jurisdiction of the Principal Government.
- 7.4 A decision by a Principal Government or Participating Government to cancel or suspend an Inter-Community Business Licence under Section 6 (b) shall be honoured by all Participating Governments.
- 7.5 Nothing in this Bylaw impedes the authority of a Participating Government to suspend or cancel any Business Licence issued by that Government, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the Community Charter and amendments thereto.

Part 8 Miscellaneous

- 8.1 A Participating Government may, by notice in writing to each of the other Participating Governments, withdraw from the Inter-Community Business Licence Scheme established by this bylaw.

Notice must:

- i) set out the date on which the withdrawing Government 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.

8.2 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 Government.

Part 9 Effective Date

9.1 This Bylaw shall come into full force and effect upon adoption.

BL#1947

READ A FIRST TIME by title and SECOND TIME by content this 25th day of June, 2019.

READ A THIRD TIME by title this 16th day of July, 2019.

ADOPTED this 13th day of August, 2019.

“Ron Toyota”
Mayor Ron Toyota

“Stacey Hadley”
Stacey Hadley, Corporate Officer

Schedule “A”

EXCLUDED BUSINESSES

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:

1. Social escort services.
2. Vehicles for hire (for example, taxis, limousines, or buses).
3. 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).
4. Mobile food vendors, fruit stands, flea markets, trade shows or other similar Businesses.
5. Cannabis related businesses (a business which involves the sale of cannabis).

INDEX OF AMENDING BYLAWS

Bylaw #1947 Adopted January 11, 2022

NOTE TO USERS

"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws", pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.