

VANCOUVER ISLAND INTER-COMMUNITY BUSINESS LICENSING BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish the City of Victoria's participation in an intercommunity business licensing framework on Vancouver Island.

Contents

PART 1 - INTRODUCTION

- 1 Title
- 2 Definitions

PART 2 - INTER-COMMUNITY BUSINESS LICENCE REGULATIONS

- 3 Participation in the Inter-Community Business Licensing Program

PART 3 – LICENCE ADMINISTRATION

- 4 Licence Application and Fee
- 5 Information Sharing with Participating Local Governments
- 6 Licence Suspension or Cancellation

PART 4 – MISCELLANEOUS

- 7 Withdrawal from Inter-Community Business Licensing Program
- 8 Severability
- 9 Effective Date

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "Vancouver Island Inter-Community Business Licensing Bylaw".

Definitions

- 2 In this Bylaw:

“Business”

Has the same 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.

“Inter-Community Business”

Means a business that performs a service or activity within more than one Participating Local Government by moving from client to client rather than have clients come to them. This includes but is not limited to trades, plumbers, and electricians, cleaning services, pest control and other similar businesses. This does not include fruit stands, flea markets, trade shows and other similar businesses.

“Inter-Community Business Licence”

Means a business licence that authorizes inter-community business to be carried on within the boundaries of any or all of the Participating Local Governments in accordance with this Bylaw.

“Municipal Business Licence”

Means a licence or permit, other than an Inter-Community Business Licence, used by a Participating Local Government that authorizes a business to be carried on within the jurisdictional boundaries of that Participating Local Government.

“Participating Local Government”

Means local governments located on Vancouver Island that have adopted a corresponding bylaw and any other local governments located on Vancouver Island that adopt a corresponding bylaw at a later date.

“Person”

Has the same meaning as in the Interpretation Act.

“Premise”

Means a fixed or permanent location where the applicant ordinarily carries on business.

“Principal Local Government”

Means the Participating Local 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 Local Governments, the Participating Local Government that issues the Inter-Community Business Licence.

PART 2 – INTER-COMMUNITY BUSINESS LICENCE REGULATIONS**Participation in the Inter-Community Business Licensing Program**

- 3 (1) Subject to Subsection (3) and (5), a Person who has obtained an Inter-Community Business Licence may carry on Business within a Participating Local Government without obtaining a Municipal Business Licence in the other Participating Local Governments.

- (2) A Participating Local Government may issue an Inter-Community Business Licence to an Inter-Community Business that is not an Excluded Business, and the applicant meets the requirements of this Bylaw.
- (3) A Person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Local Government in which they are carrying on business.
- (4) A Business that operates under an Inter-Community Business Licence in more than one Participating Local Government shall only apply for an Inter-Community Business Licence from the Participating Local Government in which they maintain a Premise.
- (5) Notwithstanding the issuance of an Inter-Community Business Licence, every Person who carries on, maintains, owns or operates, within a Participating Local 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 Municipal Business Licence for each branch, office, place, premise or store. Further notwithstanding Sections (2), (3), and (4), the Participating Local Governments agree that where an applicant for an Inter-Community Business Licence:
 - (a) Does not maintain Premises in any of the Participating Local Governments, then the applicant may apply at any one of them; or
 - (b) Maintains a Premise in more than one of the Participating Local Governments, the applicant must apply at one of the Participating Local Governments where they maintain a Premise.

PART 3 – LICENCE ADMINISTRATION

Licence Application and Fees

- 4 (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 Local Governments and including, as a minimum, the following information:
 - (a) 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;
 - (b) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
 - (c) Declaring the mailing address and contact information for such profession, business, trade, occupation, calling undertaking or thing;
 - (d) Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing
 - (e) Disclosing the number of distinctive lines of goods sold or offered for sale;
 - (f) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing, which the Participating Local Government may require.

- (2) The fee for an Inter-Community Business Licence is \$170

Information Sharing with Participating Local Governments

- 5 Each Participating Local Government shall provide to all other Participating Local Governments standardized information regarding the Inter-Community Business Licences issued by way of at least weekly updates on a shared database available to all Participating Local Governments.

Licence Suspension or Cancellation

- 6 (1) A Council or Designated Officer or Employee of a Participating Local Government may suspend or cancel an Inter-Community Business Licence. The suspension or cancellation shall be in effect throughout all Participating Local Governments.
- (2) Before suspending or cancelling an Inter-Community Business Licence under Section 6(1), the Participating Local Government must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- (a) If the licence holder wishes to exercise this right, the Participating Local Government shall communicate in writing to the licence holder and Principal Local 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 Local 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.
- (b) If the licence holder does not exercise their right to be heard, the Participating Local Government may suspend or cancel the Inter-Community Business Licence in accordance with Section 6(1).
- (3) Any conduct by a licence holder resulting in a hearing made under Section 6(2)(a) shall be considered by the Council of the Principal Local Government as though it happened within the jurisdiction of the Principal Local Government.
- (4) A decision by a Principal Local Government or Participating Local Government to cancel or suspend an Inter-Community Business Licence under Section 6(2) shall be honoured by all Participating Local Governments.
- (5) Nothing in this Bylaw impedes the authority of a Participating Local Government to suspend or cancel any business licence issued by that Local Government, or to enact regulations in respect of any class of Business Licence in accordance with Section 15 of the Community Charter.

PART 5 – MISCELLANEOUS

Withdrawal from Inter-Community Business Licensing Program

- 7 (1) A Participating Local Government may, by notice in writing to each of the other Participating Local Governments, withdraw from the Inter-Community Business Licensing Program established by this bylaw. The notice must:
- (a) Set out the date on which the withdrawing Participating Local Government will not longer recognize the validity within its boundaries of business licences issued pursuant to this Bylaw, which date must be at last six months from the date of the notice; and
- (b) Include a certified copy of the Bylaw authorizing the withdrawal.
- (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 Local Government.
- (3) If any section, paragraph, or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in full force and effect.

Severability

- 8 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

Effective Date

- 9 This Bylaw shall come into force and effect on the day it is adopted.

READ A FIRST TIME the	13th	day of	June	2019.
READ A SECOND TIME the	13th	day of	June	2019.
READ A THIRD TIME the	13th	day of	June	2019.
ADOPTED on the		day of		2019.

CITY CLERK

MAYOR

SCHEDULE A

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Framework set out in the bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines, or buses)
- 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)
- Cannabis related businesses (a business which involves the sale of cannabis)