

CITY OF MERRITT

BYLAW 2268 BUSINESS LICENCE BYLAW

WHEREAS the *Community Charter* permits a Council to provide for a system of licences, permits or approvals;

AND WHEREAS Council of the City of Merritt deems it necessary to authorize and regulate the issuance of and the levying and collecting of licence fees in respect to the trades, occupations, professions and businesses hereinafter set forth;

NOW THEREFORE the Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

1.1. This Bylaw shall be cited as “Business Licence Bylaw No. 2268, 2019.

2. Repeal

2.1. “City of Merritt Business Licence Bylaw No. 2034, 2008” and all amendments thereto are hereby repealed.

3. Definitions

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

“**Applicant**” means any person who makes an application for a Business Licence under the provisions of this Bylaw.

“**Building Inspector**” means any person appointed from time to time as the Building Inspector for the City and any person acting lawfully in that capacity.

“**Business**” means carrying on a commercial or industrial undertaking of any kind or nature or the providing of a professional, personal or other services for the purpose of gain or profit, but does not include an activity carried on by the government, its agencies or government owned corporations, or registered non-profit societies for the purposes of fundraising.

“**Business Licence**” means a licence issued pursuant to this Bylaw and includes Regular Business Licences, Short-term Business Licences and Inter-Community Business Licences.

“**City**” means the City of Merritt.

“Council” means the duly elected Council of the City of Merritt.

“Cross Connection Control Coordinator” means the person appointed by the City of Merritt to inspect the direct or indirect connection of the City's water supply to any other system, sewer, drain, well, pool, or other device which may be capable of imparting contamination to the public water supply as a result of backflow.

“Fire Prevention Officer” means the person appointed by the City of Merritt Fire Chief to ensure that Provincial and Municipal fire safety standards are met.

“Home Based Business” means any occupation or profession that is carried out in a dwelling unit or an accessory building to a dwelling unit, by a person who is permanently resident in the dwelling unit, where such occupation or profession, excluding a bed and breakfast use, is clearly incidental or secondary to the use of the dwelling unit for residential purposes

“Inter-Community Business Licence” means any valid Business Licence issued under an Inter-Community Business Licence Scheme which has been joined by the City of Merritt.

“Inter-Community Business Licence Bylaw” means a Bylaw adopted by the Council of the City of Merritt for the purpose of participating in an Inter-Community Business Licence Scheme.

“Inter-Community Business Licence Scheme” means a combination of local governments, including the City of Merritt, who have agreed to issue and mutually recognize business licences for Resident or Non-Resident Businesses.

“Licence Inspector” means a person appointed from time to time as Licence Inspector by the City and includes any person lawfully acting in that capacity, including the Corporate Officer and Bylaw Services Officer.

“Non-Resident Business” means a business, other than a resident business, carried on in the City or with respect to which any work or service is performed in the City.

“Police Information Check” means a Police Information Check obtained from the Royal Canadian Mounted Police, dated within 30 days of its submission, containing all pages issued by the RCMP, and embossed with their seal on each page.

“Public Market” means groups of resident and non-resident businesses offering new and used goods, crafts or produce for sale directly to the public.

“Resident Business” means a business carried on in or from premises within the City.

“Regular Business Licence” means a Business Licence issued to run from the first day of January to the last day of December annually.

“Short-term Business Licence” means a Business Licence issued for a three (3) or six (6) month period.

4. Licence Required

4.1. Unless otherwise permitted in this Bylaw, no person shall carry on, maintain, own or operate within the City, a trade, business, profession, occupation or calling without holding a valid and subsisting Business Licence issued under this Bylaw by the Licence Inspector, or an Inter-Community Business Licence issued in accordance with an Inter-Community Business Licence Scheme of which the City of Merritt is a member.

4.2. Any person who,

- a) advertises through any medium, whether digital, physical, or otherwise as being open for business of any kind within the City of Merritt;
- b) deals in or buys, sells, barter or displays things of any kind either on behalf of himself or of any other person within the City of Merritt;

shall be deemed to be carrying on, engaged in, or practicing their respective profession, business, trade, occupation, employment, calling or purpose within the City and requires a Business Licence pursuant to section 4.1.

4.3. A holder of a license shall apply for renewal of the Business Licence prior to the beginning of each licensing period as long as the business, for which the Business Licence is held is carried on, and shall pay to the City the annual Business Licence fee in Schedule "B".

4.4. Persons holding four (4) or less garage or yard sales per calendar year on their residential property are exempt from the Business Licencing requirement set out in section 4.1 of this Bylaw.

4.5. Persons making the occasional sale of personal and/or handmade goods are exempt from the Business Licencing requirement set out in section 4.1 of this Bylaw.

5. Location, Hours, Number of Places of Business

5.1. No person shall sell, offer for sale, or display goods or canvass or solicit business of any kind whatsoever on any highway, street, lane, sidewalk, or public parking lot within the City except as allowed by this Bylaw.

5.2. Any person wishing to sell, offer for sale, or display goods or solicit business of any kind whatsoever on any highway, street, lane or public parking within the City must obtain the written permission of the Licence Inspector.

- 5.3. Any retailer with a valid Business Licence may exhibit, offer for sale, or display goods on sidewalks immediately abutting and within one (1) metre of their retail premises, provided that such display does not impede pedestrian traffic.
- 5.4. A person who carries on more than one business from any one premise shall obtain a separate Business Licence for each business.
- 5.5. Where a business is carried on from more than one premise in the City, the business carried on from each premises will be deemed a separate business and requires a separate Business Licence.
- 5.6. No person may call at any residence between the hours of 8:00 p.m. and 9:00 a.m. for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind, unless a previous appointment has been made for such call.

6. Public Markets

- 6.1. Any organization(s) holding a Business Licence may make application in accordance with a form available from the City to the City to host a Public Market, in accordance with the provisions of this Bylaw. The Business Licence of the hosting organization will apply to all businesses participating in the Public Market, who will not be required to obtain individual Business Licences.
- 6.2. If the Public Market is being hosted on real property belonging to the City of Merritt, the hosting organization shall:
 - a) be required to maintain comprehensive general liability insurance in the amount of Two Million Dollars (\$2,000,000). The City shall be included as additional named insured and the organization shall hold the City harmless against any claims, actions for injury, damage, loss or death arising out of the operation of the Public Market;
 - b) provide proof of comprehensive liability insurance and a signed liability waiver form shall be submitted to the City and be in a form acceptable to the City, prior to the issuance of a Business Licence.
- 6.3. Any organization(s) hosting a Public Market shall be responsible for any businesses within the Public Market, including ensuring that all regulations and requirements of the City of Merritt bylaws are adhered to.

7. Licence Application and Fee

- 7.1. An Applicant shall complete the application form supplied by the City for the purpose of issuing Business Licences. The application shall be signed by the owner of the business or their duly authorized agent. In the case of a partnership or multiple owners, any one of such partners or owners may apply and such partner or owner applying shall be deemed to be the duly authorized agent of all the partners or owners.
- 7.2. The City will commence processing of an application upon delivery of the application form and the applicable Business Licence application fee set out in Schedule “A”. Where the proposed Business requires approval by the Public Health Inspector, or other non-municipal inspector, the Applicant is responsible for acquiring these approvals and supplying them to the City in support of the Business Licence application. Incomplete applications will not be processed.
- 7.3. Pursuant to Provincial or Municipal legislation, an application may require inspection and approval of the Building Inspector, the Fire Prevention Officer and/or the Cross-Connection Control Coordinator.
- 7.4. At the time of issuance of a Business Licence, the Applicant shall pay for inspections in accordance with Schedule “A” and the Business Licence Fee in accordance with Schedule “B”.
- 7.5. Licence application fees paid pursuant to this Bylaw are not refundable.
- 7.6. Short-term Business Licences shall be available for periods of three calendar months, or six calendar months from the date of issue. A Short-term Business Licence will not be automatically renewed by the City.
- 7.7. The City may require the Applicant to supply a Police Information Check to the Licence Inspector before the application will be approved. In the case of a partnership of multiple owners, a Police Information Check may be required for each partner or owner.
- 7.8. An Applicant may apply for an Inter-Community Business Licence, in a scheme of which the City of Merritt is a member, at the same time as or at any time after they apply for a Regular Business Licence. The issuance and regulation of an Inter-Community Business Licence is governed by the applicable Inter-Community Business Licence Bylaw.

8. Prorating

- 8.1. In the first year it is issued, the fee for a Regular Business Licence, as set out in Schedule “B”, will be pro-rated on a monthly basis.

9. Issuing of Licences

- 9.1. The Licence Inspector is hereby authorized to grant, issue or transfer Business Licences where the Applicant has complied with all City and provincial legislation pertaining to the Business.
- 9.2. Where approvals are required, the Licence Inspector shall not issue a Business Licence until written approval is obtained from the Building Inspector, Fire Prevention Officer, Cross Connection Control Coordinator, Medical Health Officer, Technical Safety BC Inspector, or any other official concerned with the administration and enforcement of the laws referred to in section 9.1.

10. Changes Affecting a Licence

- 10.1. A person granted a Business Licence under this Bylaw shall:
 - a) notify the Licence Inspector within ten days of any change in the Business phone number, mailing address or other contact information; and
 - b) notify the Licence Inspector when the Business Licence is no longer required.
- 10.2. Where a change to a Business Licence requires re-inspection by any of the inspectors listed in section 7.3, the Business Licence holder shall be responsible for all associated re-inspection fees as set out in Schedule “A”.
- 10.3. No person shall transfer a Business to another person without first obtaining a transfer of the Business Licence by the Licence Inspector. The proposed new owner must supply to the City a completed Business Licence Application form as though they were registering a new business, which may require a Police Information Check. The fee for a transfer shall be as listed in Schedule “B”.
- 10.4. A Business Licence cannot be transferred to a new premise.

11. Licence to be Displayed

- 11.1. The Applicant shall at all times keep their Business Licence(s) prominently displayed within the view of the public at the place of Business, or on their person where the Business has no fixed premises.

12. Inspection, Suspension and Cancellation

- 12.1. The Licence Inspector is authorized to enter, at all reasonable times, upon any property subject to this Bylaw in order to ascertain whether this Bylaw is being observed.
- 12.2. The Licence Inspector may suspend a Business Licence or an Inter-Community Business Licence for such period as he may determine, subject to the business licence authority provisions of the Community Charter, and the requirements in any applicable Inter-Community Business Licence Scheme.
- 12.3. The Licence Inspector may cancel a business licence or an Inter-Community Business Licence for reasonable cause, subject to the business licence authority provisions of the Community Charter, and the requirements in any applicable Inter-Community Business Licence Scheme.

13. Appeal Procedure

- 13.1. Any person whose Business Licence has been suspended or cancelled, or has been refused a licence, may appeal to Council by giving notice of intention to appeal to the Licence Inspector. The appeal shall be made in writing and shall state in a concise manner the grounds upon which the appeal is made. Council shall appoint a time and place for the hearing of the appeal, which shall be within one month of the request being made and may confirm or set aside the decision made by the Licence Inspector as it deems fit.

14. Violations and Penalties

- 14.1. Every person who offends against any of the provisions of this Bylaw, or permits any act or thing to be done in contravention or violation of any provisions of this Bylaw, or neglects to do or refrains from doing anything required to be done by this Bylaw, shall be deemed to have committed an offence under this Bylaw and shall be liable on conviction of a fine of not more than Two Thousand Dollars (\$2,000.00) and the costs of prosecution. Each day on which an offence continues shall constitute a separate offence.
- 14.2. Schedules "A" and "B" and any regulations they set out form a part of and are enforceable in the same manner as this Bylaw.

15. Effective Date

15.1. This Bylaw shall come into force and take effect on the 1st of December, 2019.

READ A FIRST TIME THIS	13 th Day of August, 2019
READ A SECOND TIME THIS	13 th Day of August, 2019
READ A THIRD TIME THIS	13 th Day of August, 2019
ADOPTED THIS	27 th Day of August, 2019

Original signed by
LINDA A. BROWN,
MAYOR

Original signed by
SEAN SMITH,
CORPORATE OFFICER

Schedule "A"
Application Fees

1. All Applicants, except those listed in section 4 of this Schedule A, shall pay \$50 at the time of application.
2. For each Inspection by the Building Inspector, Fire Prevention Officer, or Cross Connection Control Coordinator, the fee shall be \$50 per inspection, to be paid at the time of issuance of the business licence.
3. Each inspection includes one (1) follow up inspection in the event the first inspection identifies deficiencies.
4. The following business types shall pay the fee as indicated in the table:

Non profit organizations	\$0
Retail cannabis stores	\$650

Schedule "B"
Licence Fees

1. The Regular Business Licence fee in the City of Merritt shall be \$150.
 - a. For Regular Business Licence renewals, the Regular Business Licence fee will be modified as follows:
 - i. Where the Applicant renews their Business Licence prior to expiry, the Regular Business Licence Fee will be \$135 (10% discount).
 - ii. Where a Business has continued to operate but the Applicant has failed to renew their Regular Business Licence by March 1 of each year, the Regular Business Licence fee will be \$180 (a 20% penalty).
2. A pro-rated Business Licence shall never cost less than \$25.
3. A six-month Short-term Business Licence fee shall be \$90.
4. A three-month Short-term Business Licence fee shall be \$55.
5. The fee to transfer a licence to a new person shall be \$25.
6. Non-profit organizations will not be charged a licence fee.

CITY OF MERRITT

BYLAW 2269 OKANAGAN-SIMILKAMEEN INTER-COMMUNITY BUSINESS LICENCE BYLAW

WHEREAS Okanagan-Similkameen municipalities wish to enter into an agreement with one-another to permit certain kinds of Businesses to operate across municipal jurisdictions within the Okanagan-Similkameen regions while minimizing the need to obtain a separate Inter-Community Business Licence 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 Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Establishment

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

This Bylaw shall be cited as the “**Okanagan-Similkameen Inter-Community Business Licence Bylaw 2269, 2019**”.

3. Definitions

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.

“**Excluded Businesses**” means Business types which are excluded from application for an Inter-Community Business Licence and includes those Business types referred to in Schedule “A”.

“Inter-Community 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 Business Licence” 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 Licence” means a licence or permit, other than an Inter-Community Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality. “Participating Municipality” is restricted to those of the following local governments that have adopted this Inter-Community Business Licence Bylaw, and any Municipalities or Regional Districts which adopt this bylaw at a later date:

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

“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 a Premises, or where the licensee does not maintain a Premises in any of the Participating Municipalities, the jurisdiction that issues the Inter-Community Business Licence.

Ability to carry on business within Participating Municipalities

4. Subject to sections 6 and 8, a Person who has obtained 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 an Inter-Community Business Licence in the other Participating Municipalities.

Issuance of an Intercommunity Business Licence

5. A Participating Municipality may issue an Inter-Community Business Licence to an applicant for a Business Licence 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 Inter-Community Business Licence of that Participating Municipality.
6. Notwithstanding that a Person may hold an Inter-Community Business Licence that would make it unnecessary to obtain a Municipal Business Licence in other Participating Municipalities, the Person must still comply with all other regulations of any Municipal Business licence 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 may only apply for an Inter-Community Business Licence from the Participating Municipality in which they maintain a Premises.

Municipal Licence required for Premises

8. Neither this Bylaw nor the issuance of an Inter-Community Business Licence eliminates a requirement of a holder of an Inter-Community Business Licence to obtain a Municipal Business Licence for each Premises that is maintained within the jurisdiction of the Participating Municipality.

Where no Premise exists

9. Notwithstanding Sections 5, 6, and 7, the Participating Municipalities agree that where an applicant for an Inter-Community Business Licence 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 Licence must be purchased prior to the application for an Inter-Community Business Licence.

Licence Fee

10. The fee for an Inter-Community Business Licence is \$150 and shall be retained by the Participating Municipality that issues the licence. The fee for an Inter-Community Business Licence is separate and additional to any Municipal Business Licence that may be required.
11. The Inter-Community Business Licence fee prescribed by this bylaw shall be pro-rated in accordance with the pro-rating scheme in the Business Licence Bylaw 2268, 2019.

Communication between Participating Municipalities

12. Every Inter-Community Business Licence 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 Business Licences that it has issued during the calendar year.

Suspension of an Inter-Community Business Licence

13. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-Community Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or the business licence 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 Business Licence in any Participating Municipality for the period of the suspension.

Cancellation of an Inter-Community Business Licence

14. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Inter-Community Business Licence 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 licence to consider whether or not the licence should be cancelled pursuant to Sections 15 or Section 60(2) of the Community Charter and amendments thereto.
15. Any resolution made under Section 15 of this Bylaw shall be communicated in writing to the Principal Municipality that issued the licence, 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 Business Licence should be cancelled.
16. In making any decision as to whether to cancel an Inter-Community Business Licence under Section 15 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.

Reconsideration and Appeals

17. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-Community Business Licences.
18. Nothing in this Bylaw affects the authority of a Participating Municipality to suspend or cancel any business licence issued by that municipality or to enact regulations in respect of any class of Business under Section 15 of the *Community Charter* or amendments.

Withdrawal from the Inter-Community Business Licence Scheme

19. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business Licence scheme established by this Bylaw, and notice must:
- (a) Set out the date on which the withdrawing municipality 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
 - (b) Include a certified copy of the Bylaw authorizing the withdrawal.
20. 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.

Invalidity and Severability

21. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.

Primacy

22. 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.

Effective Date

23. This Bylaw shall come into force and take effect on the 1st day of January, 2020.

READ A FIRST TIME THIS	13 th Day of August, 2019
READ A SECOND TIME THIS	13 th Day of August, 2019
READ A THIRD TIME THIS	13 th Day of August, 2019
ADOPTED THIS	27 th Day of August, 2019

Original signed by
LINDA BROWN,
MAYOR

Original signed by
SEAN SMITH,
CORPORATE OFFICER

Schedule “A”

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the inter-Inter-Community Business licensing scheme set out in this Bylaw:

- Social escort services (a business type where, for a fee or other form of payment, escorts accompany another Person, but does not include a Person providing assistance to another Person because of that other Person’s age or disability)
- 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's body 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.)
- Mobile food vendors, fruit stands, flea markets, trade shows or other similar Businesses.
- Cannabis related businesses (a business which involves the sale of cannabis)

CITY OF MERRITT

BYLAW 2270 FRASER VALLEY INTER-MUNICIPAL BUSINESS LICENCE BYLAW

WHEREAS Fraser Valley municipalities wish to enter into an agreement with one another to permit certain categories of Businesses to operate across municipal jurisdictions within the Fraser Valley region while minimizing the need to obtain a separate Municipal Business Licence 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 Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Establishment

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

This Bylaw shall be cited as the “**Fraser Valley Inter-Municipal Business Licence Bylaw 2270, 2019**”.

3. Definitions

In this Bylaw, unless the context otherwise requires:

“**Business**” has the meaning as defined by the Community Charter;

“**Community Charter**” means the *Community Charter*, SBC. 2003, c 26;

“**Intermunicipal Business Licence**” means a business licence which authorizes a Mobile Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities in accordance with this Bylaw and will be in addition to a Municipal Business Licence;

“**Mobile Business**” means a trades contractor or other professional (related to the construction industry) or a contractor who performs maintenance and/or repair of land and buildings from other than their Premises;

“**Municipal Business Licence**” means a licence or permit, other than an Intermunicipal Business Licence, 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 Bylaw, and any municipalities or Regional District which subsequently adopts this Bylaw:

City of Abbotsford	City of Chilliwack	City of Delta	Village of Harrison Hot Springs
District of Hope	District of Kent	City of Langley	Township of Langley
District of Maple Ridge	City of Merritt	District of Mission	City of Pitt Meadows
City of Surrey			

“**Person**” has the meaning as defined by the *Interpretation Act*, SBC. 1996, c 238’;

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

“**Principal Municipality**” means the Participating Municipality where a Business is located or has a Premises, or, where the Applicant for an Intermunicipal Business Licence does not maintain Premises in any of the Participating Municipalities, the municipality that issues the Intermunicipal Business Licence.

Ability to carry on business within Participating Municipalities

4. Subject to Sections 6 and 8, a Person who has obtained an Intermunicipal Business Licence may carry on Business within any Participating Municipality for the term authorized by the Intermunicipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.

Issuance of an Intermunicipal Business Licence

5. A Principal Municipality may issue an Intermunicipal Business Licence to an applicant for an Intermunicipal Business Licence provided the applicant is a Mobile Business and meets the requirements of this Bylaw in addition to the requirements of the Municipal Business Licence bylaw of the Principal Municipality.

6. Notwithstanding that a Person may hold an Intermunicipal Business Licence that would make it unnecessary to obtain a Municipal Business Licence in other Participating Municipalities, the Person must still comply with all other regulations of any municipal business licence bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.
7. A Participating Municipality may issue an Intermunicipal Business Licence to an applicant for a Business Licence provided the Business type is a Mobile Business within the meaning of this Bylaw, and the applicant meets the requirements of this Bylaw in addition to the requirements of the Intermunicipal Business Licence of the Participating Municipality. If the applicant has Premises in a Participating Municipality, they may only apply to that Participating Municipality for an Intermunicipal Business Licence.

Municipal Licence required for Premises

8. Neither this Bylaw nor the issuance of an Intermunicipal Business Licence eliminates a requirement of a holder of an Intermunicipal Business Licence to obtain a Municipal Business Licence for each Premises that is maintained within the jurisdiction of the Participating Municipality.

Licence Fee

9. The Intermunicipal Business Licence fee is two hundred fifty (\$250.00) dollars for a business with premises in participating municipalities and three hundred (\$300.00) dollars for a business without premises in participating municipalities and is payable to the Principal Municipality. The Intermunicipal Business Licence fee is separate and additional to any Municipal Business Licence fee that may be required.
10. Notwithstanding that some Participating Municipalities pro-rate their Municipal Business Licence fee, the Intermunicipal Business Licence fee must not be pro-rated.

Licence Fee Revenue Sharing

11. The revenue generated from Intermunicipal Business Licence fees is shared amongst all Participating Municipalities using the revenue sharing formula referred to in Schedule "A" of this Bylaw.
12. The Participating Municipalities agree that the revenue sharing formula will be reviewed from time to time, and will be altered as necessary upon agreement of all Participating Municipalities.
13. The revenue generated from Intermunicipal Business Licence fees collected by the Participating Municipalities will be distributed by each Participating Municipality to the other Participating Municipalities as follows:

The revenue generated from Intermunicipal Business Licence fees collected from January 1 to December 31 inclusive will be distributed by February 28 of year following the year in which the fees were collected.

Term of an Intermunicipal Business Licence

14. The term of the Intermunicipal Business Licence is the same as the term for the Municipal Business Licence issued by the Principal Municipality for that Business category.
15. An Intermunicipal Business Licence issued within the twelve (12) month term of the intermunicipal business licence scheme established by this Bylaw shall, until its term expires, remain valid within the jurisdictional boundaries of any or all of the Participating Municipalities.

Communication between Participating Municipalities

16. Each Participating Municipality shall provide the other Participating Municipalities with information regarding the Intermunicipal Business Licences that it issues by way of regular updates on a shared database that is available to all Participating Municipalities.

Suspension of an Intermunicipal Business Licence

17. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Intermunicipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business licence under the Community Charter or the Municipal Business Licence bylaw or regulation 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 Intermunicipal Business Licence in any Participating Municipality for the period of the suspension.

Cancellation of an Intermunicipal Business Licence

18. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Intermunicipal Business Licence 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 licence to consider whether or not the licence should be cancelled pursuant to Section 15 or Section 60(2) of the *Community Charter*.
19. Any resolution made under Section 18 of this Bylaw shall be communicated in writing to the Principal Municipality that issued the Intermunicipal Business Licence, 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 Intermunicipal Business Licence should be cancelled.
20. In making any decision as to whether to cancel an Intermunicipal Business Licence under Section 18 of this Bylaw or Section 15 or Section 60(2) of the *Community Charter*, the Principal Municipality shall approach the matter as if the conduct complained of had occurred within its own jurisdictional boundaries.

Reconsideration and Appeals

- 21. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Intermunicipal Business Licences.
- 22. Nothing in this Bylaw affects the authority of a Participating Municipality to suspend or cancel any business licence issued by that municipality or to enact regulations in respect of any category of Business under Section 15 of the Community Charter.

Invalidity and Severability

- 23. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.

Primacy

- 24. In the event of an inconsistency between this Bylaw and any other bylaw relating to business licencing of a Participating Municipality, the provisions of this Bylaw shall take precedence.

Effective Date

- 25. This Bylaw shall come into force and take effect on the 1st day of January, 2020.

READ A FIRST TIME THIS	13 th Day of August, 2019
READ A SECOND TIME THIS	13 th Day of August, 2019
READ A THIRD TIME THIS	13 th Day of August, 2019
ADOPTED THIS	13 th Day of August, 2019

Original signed by
LINDA BROWN,
MAYOR

Original signed by
SEAN SMITH,
CORPORATE OFFICER

Schedule “A”

The revenue generated from Intermunicipal Business Licence fees is based on the following formula:

1. For revenue generated from Intermunicipal Businesses with premises within Participating Municipalities the Principal Municipality is to retain ninety (90%) per cent of the fee collected and the remaining ten (10%) percent is to be distributed to the remainder of the Participating Municipalities
2. The Participating Municipalities will distribute revenue generated from Intermunicipal Business Licence fees from Intermunicipal Businesses without premises within Participating Municipalities evenly amongst all participating Municipalities.

CITY OF MERRITT

BYLAW 2271 THOMPSON – NICOLA INTER-COMMUNITY BUSINESS LICENCE BYLAW

WHEREAS Thompson-Nicola municipalities wish to enter into an agreement with one-another to permit certain kinds of Businesses to operate across municipal jurisdictions within the Thompson-Nicola regions while minimizing the need to obtain a separate Inter-Community Business Licence in each jurisdiction;

AND WHEREAS each of the undersigned local governments has adopted this Bylaw;

NOW THEREFORE the Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Establishment

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

This Bylaw shall be cited as the “**Thompson-Nicola Inter-Community Business Licence Bylaw 2271, 2019**”.

3. Definitions

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.

“**Excluded Businesses**” means Business types which are excluded from application for an Inter-Community Business Licence and includes those Business types referred to in Schedule “A”.

“**Inter-Community Business**” means a Business that performs a service or activity within more than one Participating Government 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 Business Licence” 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.

“Participating Government” means the following communities that have adopted this Inter-Community Business Licence Bylaw, and any communities that adopt this bylaw at a later date:

Kamloops	Merritt		
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“Person” has the meaning ascribed to it by the Interpretation Act.

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

“Principal Government” means the Participating Government where a Business is located or has a Premises, or where the licensee does not maintain a Premises in any of the Participating Municipalities, the jurisdiction that issues the Inter-Community 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.

Ability to carry on business within Participating Municipalities

4. Subject to sections 6 and 8, 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 an Inter-Community Business Licence in the other Participating Municipalities.

Issuance of an Inter-Community Business Licence

5. A Participating Government may issue an Inter-Community Business Licence to an applicant for a Business Licence, provided the Business type is an Inter-Community Business and is not an Excluded Business, and the applicant has a valid Standard Business Licence issued by that Participating Government, and the applicant meets the requirements of this Bylaw.
6. A Person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Government in which the Person carries on Business.

7. A Business may only apply for an Inter-Community Business Licence from a Participating Government in which they maintain a Premises.

Municipal Licence required for Premises

8. Neither this Bylaw nor the issuance of an Inter-Community Business Licence eliminates a requirement of a holder of an Inter-Community Business Licence to obtain a Standard Business Licence for each Premises that is maintained within the jurisdiction of the Participating Government.

Where no Premise exists

9. Notwithstanding Sections 5, 6, and 7, the Participating Municipalities agree that where an applicant for an Inter-Community Business Licence does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them. The Participating Government's Standard Business Licence must be purchased prior to the application for an Inter-Community Business Licence.

Licence Fee

10. The fee for an Inter-Community Business Licence is seventy-five (\$75) dollars and shall be retained by the Participating Government that issues the licence.
11. The fee for an Inter-Community Business Licence is separate and additional to any Standard Business Licence that may be required.
12. The Inter-Community Business Licence fee prescribed by this bylaw shall be pro-rated in accordance with the pro-rating scheme in Business Licence Bylaw No. 2268, 2019.

Communication between Participating Municipalities

13. Every Inter-Community Business Licence shall be issued in a standard form to be agreed upon from time to time by the Participating Municipalities 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 number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
 - (d) Disclosing the number of distinctive lines of goods sold or offered for sale;
 - (e) Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Government may require.

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

Suspension of an Inter-Community Business Licence

15. A Participating Government may exercise the authority of the Principal Municipality and suspend an Inter-Community Business Licence in relation to conduct by the holder within the Participating Government which would give rise to the power to suspend a business licence under the Community Charter or the business licence or regulation bylaw of the Participating Government. 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 Business Licence in any Participating Government for the period of the suspension.

Cancellation of an Inter-Community Business Licence

16. If the Council of a Participating Government is of the opinion that reasonable cause exists to cancel an Inter-Community Business Licence issued by another of the Participating Municipalities, then it may, by resolution reciting the details of such reasonable cause, request the Principal Municipality to consider whether or not the licence should be cancelled pursuant to Sections 15 or Section 60(2) of the Community Charter and amendments thereto.
17. Any resolution made under Section 16 of this Bylaw shall be communicated in writing to the Principal Municipality that issued the licence, 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 Business Licence should be cancelled.
18. In making any decision as to whether to cancel an Inter-Community Business Licence under Section 15 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.

Reconsideration and Appeals

19. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-Community Business Licences.
20. Nothing in this Bylaw affects the authority of a Participating Government to suspend or cancel any business licence issued by that municipality or to enact regulations in respect of any class of Business under Section 15 of the *Community Charter* or amendments.

Withdrawal from the Inter-Community Business Licence Scheme

- 21. A Participating Government may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business Licence scheme established by this Bylaw, and notice must:
 - (a) Set out the date on which the withdrawing municipality 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
 - (b) Include a certified copy of the Bylaw authorizing the withdrawal.
- 22. 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.

Invalidity and Severability

- 23. The invalidity or unenforceability of any provision of this Bylaw shall not affect the validity or enforceability of any other provisions of this Bylaw and any such invalid or unenforceable provision shall be deemed to be severable.

Primacy

- 24. In the event of an inconsistency between this Bylaw and any other bylaw relating to business licensing of a Participating Government, the provisions of this Bylaw shall take precedence.

Effective Date

- 25. This Bylaw shall come into force and take effect on the 1st day of January, 2020.

READ A FIRST TIME THIS	13 th Day of August, 2019
READ A SECOND TIME THIS	13 th Day of August, 2019
READ A THIRD TIME THIS	13 th Day of August, 2019
ADOPTED THIS	27 th Day of August, 2019

Original signed by
LINDA BROWN,
MAYOR

Original signed by
SEAN SMITH,
CORPORATE OFFICER

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 licensing scheme set out in this Bylaw:

- Social escort services (a business type where, for a fee or other form of payment, escorts accompany another Person, but does not include a Person providing assistance to another Person because of that other Person’s age or disability)
- 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's body 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.)
- Mobile food vendors, fruit stands, flea markets, trade shows or other similar Businesses.
- Cannabis related businesses (a business which involves the sale of cannabis)