

AGENDA ITEM NO: 7.5

MEETING DATE: October 10, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Inter-municipal Business Licensing DATE: October 3, 2023

DEPARTMENT: Planning PREPARED BY:  Erin Leary / mb

1. SUMMARY OF ISSUE:


Since 2012, the City has been a participating municipality with the Inter-municipal Business Licence Scheme to permit trades contractors or other professionals related to the construction industry to operate within the participating municipalities under a single inter-municipal business licence. The 12 participating municipalities in this permanent program currently include the City of Abbotsford, the City of Chilliwack, the City of Delta, the District of Hope, the District of Kent, the Village of Harrison Hot Springs, the City of Langley, the Township of Langley, the City of Maple Ridge, the City of Mission, the City of Pitt Meadows, and the City of Surrey.

To ensure consistent language within the Inter-municipal Business Licence Bylaw amongst participating municipalities as well as create a formal Licence Agreement as Schedule B within the Bylaw, Council is requested to consider providing 3 readings to Inter-municipal Business Licence Bylaw.

2. RECOMMENDATION:

That "Inter-municipal Business Licence Bylaw 2023, No. 5347", be given first and second reading.


That That "Inter-municipal Business Licence Bylaw 2023, No. 5347", be given third reading.



Gillian Villeneuve
Director of Planning

3. FINANCE COMMENTS:

There is no budgetary impact resulting from creating consistent language amongst Bylaws within the participating municipalities or including a formal Licence Agreement as Schedule B in the Bylaw. The inter-municipal business licence revenue will continue to be distributed in accordance with the revenue-sharing formula outlined in the Bylaw.



FOR: Glen Savard

Director of Finance

**4. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Chris Crosman
Chief Administrative Officer

City of Chilliwack

Bylaw No. 5347

A bylaw to enter into an Inter-municipal Business Licence Scheme

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 Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. There is hereby established an Inter-municipal Business Licence Scheme, pursuant to Section 14 of the *Community Charter* and according to the terms and conditions of this Bylaw.
2. This Bylaw may be cited for all purposes as "**Inter-municipal Business Licence Bylaw 2023, No. 5347**".

REPEAL

3. "Inter-municipal Business Licence Bylaw 2012, No. 3894" and amendments thereto are hereby repealed.

INTERPRETATION

4. In this Bylaw:

"Business" has the meaning as defined by the *Community Charter*;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c.26;

"Mobile Business" means a trades contractor or other professional related to the construction industry or a contractor that performs maintenance and/or repair of land and buildings from other than their Premises;

"Inter-municipal" means a business licence which authorizes a "Mobile Business Licence" 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;

“Inter-municipal Business Licence Bylaw 2023, No. 5347”

“Municipal Business Licence” means a licence or permit, other than an Inter-municipal 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:

City of Abbotsford
City of Chilliwack
City of Delta
District of Hope
District of Kent
City of Langley

Township of Langley
City of Maple Ridge
City of Mission
City of Pitt Meadows
City of Surrey
Village of Harrison Hot Springs

“Person” has the meaning as defined by the *Interpretation Act*, R.S.B.C. 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.

5. Subject to the provisions of the Inter-municipal Business Licence Bylaw, the Participating Municipalities will permit a Person who has obtained an Inter-municipal Business Licence to carry on Business within any Participating Municipality for the term authorized by the Inter-municipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
6. A Principal Municipality may issue an Inter-municipal Business Licence to an applicant for an Inter-municipal 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.
7. Notwithstanding that a Person may hold an Inter-municipal 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.
8. A Person that operates a Mobile Business may only apply for an Inter-municipal Business Licence from the Participating Municipality in which they maintain a Premises.
9. Neither this Bylaw nor the issuance of an Inter-municipal Business Licence eliminates a requirement of a holder of an Inter-municipal Business Licence to obtain a Municipal Business Licence for each Premises that is maintained within the jurisdiction of the Participating Municipality.

“Inter-municipal Business Licence Bylaw 2023, No. 5347”

10. The Inter-municipal Business Licence fee is \$250.00 and is payable to the Principal Municipality. The Inter-municipal Business Licence fee is separate and additional to any Municipal Business Licence fee that may be required.
11. Notwithstanding that some Participating Municipalities pro-rate their Municipal Business Licence fee, the Inter-municipal Business Licence fee must not be pro-rated.
12. The revenue generated from Inter-municipal Business Licence fees is shared amongst all Participating Municipalities using the revenue sharing formula referred to in Schedule “A” of this Bylaw.
13. 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.
14. The revenue generated from Inter-municipal Business Licence fees collected by the Participating Municipalities will be distributed by each Participating Municipality to the other Participating Municipalities as follows:
 - (a) The revenue generated from Inter-municipal Business Licence fees collected from January 1 to December 31, inclusive, will be distributed by February 28 of the year following the year in which the fees were collected.
15. The term of the Inter-municipal Business Licence is the same as the term for the Municipal Business Licence issued by the Principal Municipality for that Business category.
16. An Inter-municipal Business Licence issued within the 12-month term of the Inter-municipal 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.
17. Each Participating Municipality shall provide the other Participating Municipalities with information regarding the Inter-municipal Business Licences that it issues by way of regular updates on a shared database that is available to all Participating Municipalities.
18. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-municipal 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 Inter-municipal Business Licence in any Participating Municipality for the period of the suspension.

“Inter-municipal Business Licence Bylaw 2023, No. 5347”

19. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Inter-municipal 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*.
20. Any resolution made under Section 19 of this Bylaw shall be communicated in writing to the Principal Municipality that issued the Inter-municipal 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 Inter-municipal Business Licence should be cancelled.
21. In making any decision as to whether to cancel an Inter-municipal Business Licence under Section 19 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.
22. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-municipal Business Licences.
23. 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*.
24. 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.
25. 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.
26. This Bylaw shall come into force and take effect on the 1st day of January, 2024.

Received first and second reading on the
Received third reading on the
Received adoption on the

Mayor

Corporate Officer

Schedule “A”

The revenue generated from Inter-municipal Business Licence fees is shared on the following formula:

1. The Principal Municipality is to retain 90% of the fee collected and the remaining 10% is to be distributed to the remainder of the Participating Municipalities.

Schedule “B”

INTER-MUNICIPAL BUSINESS LICENCE AGREEMENT

WHEREAS the City of Abbotsford, the City of Chilliwack, the City of Delta, the Village of Harrison Hot Springs, the District of Hope, the District of Kent, the City of Langley, the Township of Langley, the City of Maple Ridge, the City of Mission, the City of Pitt Meadows, and the City of Surrey (hereinafter the “Participating Municipalities”) wish to permit certain categories of Businesses to operate across their jurisdictional boundaries while minimizing the need to obtain a separate Municipal Business Licence in each jurisdiction;

NOW THEREFORE the City of Abbotsford, the City of Chilliwack, the City of Delta, the Village of Harrison Hot Springs, the District of Hope, the District of Kent, the City of Langley, the Township of Langley, the City of Maple Ridge, the City of Mission, the City of Pitt Meadows, and the City of Surrey agree as follows:

1. The Participating Municipalities agree to establish an Inter-municipal Business Licence scheme among the Participating Municipalities.
2. The term of this Agreement and the Inter-municipal Business Licence scheme will be permanent, unless terminated as provided for in this Agreement.
3. In this Agreement:

“Business” has the meaning in the *Community Charter*;

“*Community Charter*” means the *Community Charter*, S.B.C. 2003, c. 26;

“Inter-municipal Business” means a trades contractor or other professional related to the construction industry or a contractor that performs maintenance and/or repair of land and buildings from outside of the Participating Municipalities in which the Premises are located;

“Inter-municipal Business Licence” means a business licence which authorizes an Inter-municipal Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities;

“Inter-municipal Business Licence Bylaw” means the bylaw previously adopted by the Council of each Participating Municipality to implement the Inter-municipal Business Licence scheme contemplated by this Agreement;

“Municipal Business Licence” means a licence or permit, other than an Inter-municipal Business Licence, issued by a Participating Municipality that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Municipality;

“Inter-municipal Business Licence Bylaw 2023, No. 5347” – Schedule “B”

“Participating Municipality” means any one of the “Participating Municipalities”;

“Person” has the meaning in the *Interpretation Act*, R.S.B.C. 1996, c. 238;

“Premises” means one or more fixed or permanent locations where the Person ordinarily carries on Business;

“Principal Municipality” means the Participating Municipality where a Business is located or has Premises; and,

“Singular vs. Plural” means reference to the singular includes a reference to the plural and vice versa, unless otherwise specified or the context requires.

4. Subject to the provisions of the Inter-municipal Business Licence Bylaw, the Participating Municipalities will permit a Person who has obtained an Inter-municipal Business Licence to carry on Business within any Participating Municipality for the term authorized by the Inter-municipal Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
5. A Principal Municipality may issue an Inter-municipal Business Licence to an applicant if the applicant is an Inter-municipal Business and meets the requirements of the Inter-municipal Business Licence Bylaw, in addition to the requirements of the Principal Municipality’s bylaw that applies to a Municipal Business Licence.
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. An Inter-municipal Business Licence must be issued by the Participating Municipality in which the applicant maintains Premises.
8. The Participating Municipalities will require that the holder of an Inter-municipal Business Licence also obtain a Municipal Business Licence for Premises that are maintained by the licence holder within the jurisdiction of the Participating Municipality.
9. The Inter-municipal Business Licence fee is \$250 and is payable to the Principal Municipality.
10. The Inter-municipal Business Licence fee is separate from and in addition to any Municipal Business Licence fee that may be required by a Participating Municipality.
11. Despite paragraph 10, the Inter-municipal Business Licence fee will not be pro-rated.

“Inter-municipal Business Licence Bylaw 2023, No. 5347” – Schedule “B”

12. The Participating Municipalities will distribute revenue generated from Inter-municipal Business Licence fees amongst all Participating Municipalities based on the revenue sharing formula referred to in Schedule 1 to this Agreement.
13. The Participating Municipalities will review the Inter-municipal Business Licence scheme and the revenue sharing formula established by this Agreement from time to time and may alter the formula in Schedule 1 by written agreement of all Participating Municipalities.
14. The revenue generated from Inter-municipal Business Licence fees collected by the Participating Municipalities will be distributed by each Participating Municipality to the other Participating Municipalities as follows:
 - (a) The revenue generated from Inter-municipal Business Licence fees collected from January 1 to December 31, inclusive, will be distributed by February 28 of the year following the year in which the fees were collected.
15. The Inter-municipal Business Licence is set as a permanent bylaw.
16. An Inter-municipal Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities, unless the Inter-municipal Business Licence is suspended or cancelled in accordance with the Inter-municipal Business Bylaw or a Participating Municipality withdraws from the Inter-municipal Business Licence scheme among the Participating Municipalities in accordance with the Inter-municipal Business Licence Bylaw.
17. Each Participating Municipality will share a database of Inter-municipal Business Licences, which will be available for the use of all Participating Municipalities.
18. Each Participating Municipality which issues an Inter-municipal Business Licence will promptly update the shared database after the issuance of that licence.
19. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-municipal 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 under the business licence bylaw of the Participating Municipality. The suspension will be in effect throughout all of the Participating Municipalities and it will be unlawful for the holder to carry on the Business authorized by the Inter-municipal Business Licence in any Participating Municipality for the period of the suspension.
20. A Participating Municipality may exercise the authority of the Principal Municipality and cancel an Inter-municipal Business Licence in relation to conduct by the holder within the Participating Municipality which would give rise to the power to cancel a business licence under the *Community Charter* or the business licence bylaw of the Participating Municipality. The cancellation will be in effect throughout all of the Participating Municipalities.

“Inter-municipal Business Licence Bylaw 2023, No. 5347” – Schedule “B”

21. The suspension and cancellation of an Inter-municipal Business Licence under section 19 and 20 will not affect the authority of a Participating Municipality to issue a business licence, other than an Inter-municipal Business Licence, to the holder of the cancelled Inter-municipal Business Licence.
22. Nothing in this Agreement 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* except as provided for in this Agreement.
23. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-municipal Business Licence scheme among the Participating Municipalities, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of Inter-municipal Business Licences, which date must be at least six months from the date of the notice; and,
 - (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality's withdrawal from the Inter-municipal Business Licence scheme.
24. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Council of the Participating Municipalities. Further, nothing contained or implied in this Agreement shall prejudice or affect the Participating Municipalities' rights, powers, duties or obligation in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the Participating Municipalities' discretion, and the rights, powers, duties and obligations under all public and private statutes, bylaws, orders and regulations, which may be, if each Participating Municipality so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the Participating Municipalities.
25. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original. Such counterparts together shall constitute one and the same instrument, notwithstanding that all of the Participating Municipalities are not signatories to the original or the same counterpart.

“Inter-municipal Business Licence Bylaw 2023, No. 5347” – Schedule “B”

SIGNED AND DELIVERED on behalf of the Participating Municipalities, the Councils of each of which has, by bylaw, ratified this Agreement and authorized their signatories to sign on behalf of the respective Councils, on the dates indicated below.

CITY OF ABBOTSFORD

Signature

Signature

Date

CITY OF CHILLIWACK

Signature

Signature

Date

CITY OF DELTA

Signature

Signature

Date

VILLAGE OF HARRISON HOT SPRINGS

Signature

Signature

Date

DISTRICT OF HOPE

Signature

Signature

Date

DISTRICT OF KENT

Signature

Signature

Date

CITY OF LANGLEY

Signature

Signature

Date

TOWNSHIP OF LANGLEY

Signature

Signature

Date

CITY OF MAPLE RIDGE

Signature

Signature

Date

CITY OF MISSION

Signature

Signature

Date

CITY OF PITT MEADOWS

Signature

Signature

Date

CITY OF SURREY

Signature

Signature

Date

Schedule 1

The revenue generated from Inter-municipal Business Licence fees is shared on the following formula:

- (a) The Principal Municipality is to retain 90% of the fee collected and the remaining 10% is to be distributed to the remainder of the Participating Municipalities.