

# City of Port Moody

## Bylaw No. 3089

A Bylaw to enter into an agreement with the Corporation of the City of Coquitlam and the Corporation of the City of Port Coquitlam relating to Intermunicipal Business Licences.

**WHEREAS** the Corporation of the City of Port Moody, the Corporation of the City of Coquitlam, and the Corporation of the City of Port Coquitlam wish to permit certain kinds of Businesses to operate across municipal jurisdictions while minimizing the need to obtain a separate Municipal Business Licence in each jurisdiction;

**AND WHEREAS** the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*") allows for municipalities to enter into intermunicipal schemes by bylaw adopted by the council of each participating municipality;

**AND WHEREAS** each of the Corporation of the City of Port Moody, the Corporation of the City of Coquitlam, and the Corporation of the City of Port Coquitlam (herein called singularly the Participating Municipality or collectively as the Participating Municipalities) has adopted this Bylaw;

**NOW THEREFORE** the Council of the City of Port Moody enacts as follows:

1. Citation

1.1 This Bylaw may be cited as "City of Port Moody Intermunicipal Business Licence Bylaw, 2017, No. 3089".

2. Repeal

2.1 City of Port Moody Intermunicipal Business Licence Bylaw, 2012, No. 2947 and all amendments thereto are hereby repealed.

3. Intermunicipal Scheme

3.1 An intermunicipal business licence scheme is hereby established pursuant to section 14 of the *Community Charter*, S.B.C. 2003, c. 26 and according to the terms and conditions of this Bylaw.

#### 4. Definitions

##### 4.1 In this Bylaw:

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

**Excluded Business** means Business types which are excluded from application for an Intermunicipal Business Licence and includes those Businesses referred to in Schedule "A" of this Bylaw;

**Mobile 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 of the Participating Municipalities, and that provides the service or activity by moving from client to client, at the prior consent of that client, and is not an Excluded Business;

**Intermunicipal Business Licence** means a business licence that authorizes a Mobile Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with this Bylaw and issued by the Principal Municipality;

**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 Intermunicipal Business Licence Bylaw and any other municipalities that adopt this bylaw at a later date:

City of Port Moody
City of Coquitlam
City of Port Coquitlam

**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; and

**Principal Municipality** means the Participating Municipality where a Business is located or has a Premises.

## 5. Intermunicipal Business Licences

- 5.1 Subject to sections 5.2 and 5.4, 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.
- 5.2 A Participating Municipality may issue an Intermunicipal Business Licence to an applicant for an Intermunicipal Business Licence provided that the Business is not an Excluded Business, and that the applicant meets the requirements of this Bylaw in addition to the requirements of the Municipal Business Licence of that Participating Municipality.
- 5.3 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.
- 5.4 A Business that operates a Mobile Business may only apply for an Intermunicipal Business Licence from the Principal Municipality in which it maintains a Premises.
- 5.5 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.
- 5.6 The fee for an Intermunicipal Business Licence is as prescribed in City of Port Moody Fees Bylaw, as amended from time to time, and is payable to the Principal Municipality.
- 5.7 The fee for an Intermunicipal Business Licence is separate and additional to any Municipal Business Licence that may be required.
- 5.8 Every Intermunicipal 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 provide the other Participating Municipalities with information regarding Intermunicipal Business Licences that it issues by way of regular updates on the shared database that is available to all Participating Municipalities.

## 6. Term of Licence

- 6.1 The term of the Intermunicipal Business Licence shall be the same as the term for the Municipal Business Licence issued by the Principal Municipality for that Business type.
- 6.2 Participating Municipalities that pro-rate their Municipal Business Licence may also pro-rate the Intermunicipal Business Licence.
- 6.3 Participating Municipalities that provide for a pro-rated Municipal Business Licence and a pro-rated Intermunicipal Business Licence under section 7.2 of this Bylaw must pro-rate both licences on the same basis.

## 7. Suspension and Cancellation of Intermunicipal Business Licences

- 7.1 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 an Intermunicipal Business Licence under the *Community Charter* or the business licence or regulation bylaw of the Participating Municipality.
- 7.2 If the licensing inspector or 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 pass a resolution requesting that the Principal Municipality that issued the licence consider whether the licence should be cancelled pursuant to section 15 or section 60(2) of the *Community Charter* and amendments thereto.
- 7.3 Any resolution made under section 8.2 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.
- 7.4 In making any decision as to whether to cancel an Intermunicipal Business Licence under this Bylaw or 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.
- 7.5 The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Intermunicipal Business Licences.
- 7.6 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 thereto.

## 8. Withdrawal from Intermunicipal Scheme

8.1 A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Intermunicipal Business Licence Agreement established by this Bylaw, and notice must:

8.1.1 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

8.1.2 include a certified copy of the Bylaw authorizing the withdrawal.

8.2 Despite section 9.1, an Intermunicipal Business Licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality.

## 9. Revenue Sharing

9.1 The revenue from the Intermunicipal Business Licence fees shall be shared amongst all Participating Municipalities using a revenue sharing formula of an equal one-third.

9.2 The Participating Municipalities agree that the revenue sharing formula will be reviewed from time to time and, without limiting the generality of the foregoing, the revenue sharing formula will be reviewed six months after the commencement of this Bylaw.

9.3 Distribution of the total revenue collected from January 1<sup>st</sup> to December 31<sup>st</sup> will be paid by March 1<sup>st</sup> of the succeeding year.

## 10. Attachments and Schedules

10.1 Schedule "A" is attached to and forms part of this Bylaw.

## 11. Severability

11.1 The provisions of this Bylaw are intended to be severable and, should any part of this Bylaw be found to be invalid by a court of competent jurisdiction, the finding of invalidity will not affect the validity of the remainder of this Bylaw.

## 12. Commencement

12.1 This Bylaw shall come into effect on January 1, 2018.

**Read a first time** this 12<sup>th</sup> day of September, 2017.

**Read a second time** this 12<sup>th</sup> day of September, 2017.

**Read a third time** this 12<sup>th</sup> day of September, 2017.

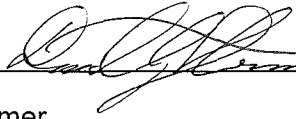
**Third reading rescinded** this 10<sup>th</sup> day of October, 2017.

**Read a third time** this 10<sup>th</sup> day of October, 2017.

**Adopted** this 24<sup>th</sup> day of October, 2017.



M.E. Clay  
Mayor



D. Shermer  
Corporate Officer

## Schedule "A"

### Excluded Businesses

The following Business types are Excluded Businesses for the purposes of application for an Intermunicipal Business Licence under this Bylaw:

- social escort services;
- body-rub or body-work 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;
- vehicles for hire including taxis, limousines, and buses;
- circus, carnival, or other itinerant show that is generally open to the public; and
- food trucks.