

THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW NO. 4342, 2017

A bylaw of the Corporation of the City of Dawson Creek (hereinafter called "the City") to establish a scheme for inter-community business licencing and regulation of trades, occupations and businesses.

WHEREAS, Council may, pursuant to the *Community Charter*, regulate in relation to business;

AND WHEREAS, two or more municipalities may, by bylaw adopted by the Council of each participating government, establish an inter-community scheme in relation to one or more matters;

AND WHEREAS, Council may provide terms and conditions that may be imposed for obtaining, continuing to hold or renewing a licence, permit or approval and specify the nature of the terms and conditions and who may impose them;

NOW THEREFORE, the Council of the Corporation of the City of Dawson Creek, in open meeting assembled, enacts as follows:

SECTION 1 - TITLE

1.1 This bylaw may be cited for all purposes as the "**NORTHEAST INTER-COMMUNITY BUSINESS LICENCE BYLAW NO. 4342, 2017**".

SECTION 2 - DEFINITIONS

2.1 In this bylaw the following words and terms have the following meanings assigned to them:

"business" has the same meaning as defined in the *Community Charter*;

"excluded business" means a business excluded from application for an inter-community business licence and includes those businesses referred to in Schedule 'A' attached to this bylaw;

"inter-community business" means a business that performs a service or activity within more than one participating government by moving from client to client rather than having clients come to them. This does not include businesses identified in Schedule "A" attached to this bylaw;

"inter-community business licence" means a business licence which authorizes inter-community business to be carried on within the boundaries of any or all of the participating governments in accordance with this bylaw and will be in addition to a standard business licence;

"standard business licence" means a licence or permit, other than an inter-community business licence, issued by a participating government that authorizes a business to be carried on within the jurisdictional boundaries of that participating government;

“participating government” means the communities that have adopted the inter-community business licence bylaw as listed on the Province of British Columbia’s website. At the time of adoption of this bylaw, includes:

City of Chetwynd
City of Dawson Creek
City of Fort St. John
District of Hudson’s Hope
District of Taylor
District of Tumbler Ridge
Village of Pouce Coupe

“premise” means a fixed or permanent location where the applicant ordinarily carries on business;
and

“principal government” means the participating government where a business is physically located, or has a premise, or, where the licensee does not maintain a premise in any of the participating governments, the government that issues the inter-community business licence.

SECTION 3 – REGULATIONS

- 3.1 Subject to the provisions of this bylaw, a person who has obtained an inter-community business licence may carry on business within a participating government for the term authorized by the inter-community business licence without obtaining a standard business licence in the other participating governments.
- 3.2 A participating government may issue an inter-community business licence to an applicant for an inter-community business licence provided the business type is an inter-community business and is not an excluded business, the applicant has a valid business licence issued by that participating government, and the applicant meets the requirements of this bylaw.
- 3.3 A person holding an inter-community business licence must comply with all other regulations and bylaws of the participating government in which they are carrying on business.
- 3.4 A business that operates under an inter-community business licence in more than one participating government shall only apply for an inter-community business licence from the participating government in which they maintain a premise.
- 3.5 Notwithstanding the issuance of an inter-community business licence, every person who carries on, maintains, owns or operates, within a participating government, any business from more than one branch, office, place, premise or store, shall obtain a separate standard business licence for each branch, office, place, premise or store. Further, the participating governments agree that, where an applicant for an inter-community business licence maintains a premise in more than one of the

participating governments, the applicant must apply at one of the participating governments where they maintain a premise.

SECTION 4 – FEES

- 4.1 The fee for an inter-community business licence is \$130 and shall be paid in full at the time of application and will be retained by the participating government that issues the licence.
- 4.2 The fee for an inter-community business licence is separate and additional to any business licence fee that may be required.

SECTION 5 - APPLICATION

- 5.1 Every inter-community business licence shall be issued on a standard form provided for that purpose, as agreed upon from time to time by the participating governments and including, as a minimum, the following information:
 - 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; and
 - e. including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Government may require.
- 5.2 Each participating government shall provide to all other participating governments standardized information regarding the inter-community business licences issued, by way of at least monthly updates on a shared database (www.mobilebusinessregistry.ca) available to all participating governments.

SECTION 6 - SUSPENSION OR CANCELLATION OF AN INTER-COMMUNITY BUSINESS LICENCE

- 6.1 A Council or Designated Officer or employee of a participating government may exercise the authority of the principal government in accordance with the *Community Charter* to suspend or cancel an inter-community business licence. The suspension or cancellation shall be in effect throughout all of the participating governments and it shall be unlawful for the holder to carry on

the business authorized by the inter-community business licence in any participating governments for the period of the suspension or cancellation.

- 6.2 Before suspending or canceling an inter-community business licence under Section 6.1, the participating government must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- a. If the licence holder wishes to exercise this right, the participating government shall communicate in writing to the licence holder and principal government that issued the inter-community business licence, together with such documentary evidence of the reasons for suspension or cancellation as may be available and the request to be heard. Such principal government shall then, as soon thereafter as reasonably possible, provide the licence holder an opportunity to address their respective Council who will then consider whether to suspend or cancel the inter-community business licence.
 - b. If the licence holder does not exercise their right to be heard, the participating government may suspend or cancel the inter-community business licence in accordance with Section 6.1.
- 6.3 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 government as though it happened within the jurisdiction of the principal government.
- 6.4 A decision by a principal government or participating government to cancel or suspend an inter-community business licence under Section 6.2 shall be honoured by all participating governments.
- 6.5 Nothing in this bylaw impedes the authority of a participating government to suspend or cancel any business licence issued by that government, or to enact regulations in respect of any class of business licence in accordance with the *Community Charter* and amendments thereto.

SECTION 7 - MISCELLANEOUS

- 7.1 A participating government may, by notice in writing to each of the other participating governments, withdraw from the inter-community business licence scheme established by this bylaw. The notice must:
- a. Set out the date on which the withdrawing government will no longer recognize the validity within its boundaries of business licences issued pursuant to this bylaw, which date must be at least six months from the date of the notice; and
 - b. Include a certified copy of the bylaw authorizing the withdrawal.
- 7.2 An inter-community business licence issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing government.

SECTION 8 – SEVERABILITY

8.1 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.

SECTION 9 -EFFECTIVE DATE

9.1 This Bylaw shall come into full force and effect on the 1st day of April, 2017.

READ a first time this 20th day of February, 2017.

READ a second time this 20th day of February, 2017.

READ a third time this 20th day of February, 2017.

ADVERTISED this 9th and 16th day of March, 2017.

PUBLIC HEARING held this 20th day of March, 2017.

ADOPTED this 20th day of March, 2017.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 4342 cited as "NORTHEAST INTER-COMMUNITY BUSINESS LICENCE BYLAW NO. 4342, 2017".

Brenda Ginter
Director of Corporate Administration

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

Dale Bumstead – Mayor

Brenda Ginter - Director of Corporate Administration

SCHEDULE 'A'

EXCLUDED BUSINESSES

The following business types are excluded businesses for the purposes of application for an inter-community business licence under the inter-community business licence scheme set out in the bylaw:

1. Social escort services.
2. Vehicles for hire (for example, taxis, limousines, or buses).
3. Body-rub services (which includes the manipulating, touching or stimulating by any means, of a Person or part thereof, but does not include medical, therapeutic or cosmetic massage treatment given by a person duly licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique).
4. Mobile food vendors (establishments primarily engaged in preparing and serving meals and snacks for immediate consumption from motorized vehicles or non-motorized carts), flea markets, trade shows or other similar businesses.
5. Door to door solicitation by sale persons/businesses.