

Request for Decision



To: Regular Meeting
From: **Development, Engineering, and Planning**
Date: December 16, 2019
Subject: Introduction of Bylaw 2069 – Inter-Community Business Licencing
Recommendation: **THAT Council give first and second readings to the Kootenay-Wide Inter-Community Business Licence Bylaw No. 2069, 2019 (See Appendix 1) and authorize staff to proceed with public notification and set a date for a public hearing.**

Background

The purpose of this initiative is to consolidate existing Inter-Community Business Licence (ICBL) partnerships and expand participating municipalities throughout the Kootenays.

On a January 30, 2019 teleconference hosted by the Small Business Branch of the Ministry of Jobs, Trade and Technology, representatives from the Cranbrook/Kimberley, Elk Valley, Greater Trail and West Kootenay ICBL partnerships as well as the Boundary, Columbia Valley and Slocan Valley regions agreed to bring forward to Councils the opportunity to expand on the success of the existing ICBL programs by consolidating partnerships and expanding participating communities into one Kootenay-wide ICBL program. January 1, 2020 is the target date for the Kootenay-wide bylaw to take effect.

Created in partnership with local governments, the Union of British Columbia Municipalities and the Province of British Columbia (the Province), ICBL partnerships streamline and simplify the licensing process, making it easier to do business in participating communities. ICBLs allow mobile businesses (e.g. contractors, caterers, and other service providers) to operate across the Participating Government jurisdictions, without having to apply for multiple businesses licences.

ICBL partnerships continue to show success and growth. British Columbia now benefits from 15 intercommunity business licence partnerships with 91 different participating communities. More information can be found at WWW.GOV.BC.CA/SMALLBUSINESS.

Consolidating existing ICBL partnerships into a Kootenay-wide ICBL will build on the success of existing ICBL programs and expand on the number of participating communities, further supporting small businesses, reducing unnecessary administrative burden, increasing compliance, fostering positive intercommunity partnerships and displaying business friendliness.

The Kootenay-wide partnership will better address the substantial degree of businesses that are not complying with business licensing regulation. Provincial analysis indicates that only 276 or 8% of mobile businesses in the Kootenays purchased multiple licences, which suggests substantial lack of compliance, even considering the four different ICBL programs already in place.

Provincial analysis also indicated that the Kootenay-wide agreement would reduce unnecessary administrative burden for businesses holding multiple licences by 56%.

POLICY IMPLICATIONS

Council may, pursuant to Section 8(6) of the *Community Charter* regulate in relation to business. Section 15 (1) states that 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 condition and who may impose them.

This Bylaw is targeted to come into full force and effect on the first day of January 2020 and operate as a pilot program until December 2021.

COMMUNICATION STRATEGY

The expansion to the Kootenay-wide ICBL program provides participating communities opportunity to celebrate success and display initiative to expand business friendliness. The Province will provide exemplary communication pamphlets from other ICBL partnership groups in BC to help Kootenay ICBL communities develop and tailor their own communications for possible inclusion in business licence renewal notices, on municipal websites and as handouts at front counters to raise awareness about the expanded business friendly program.

The Province will work with Kootenay communities to develop a shared news release to help raise awareness and celebrate the launch of the Kootenay-wide partnership.

Benefits or Impacts

General

Expanding to a Kootenay-wide ICBL fosters a more open, robust and prosperous community and region.

Strategic Impact



Community Engagement

- Prior to third and final reading, the community will have the opportunity to review and comment on the bylaw at a public hearing. The public hearing will be advertised twice in the Grand Forks Gazette.



Economic Growth

- The bylaw will reduce the administrative burden on businesses that operate in the region.



Fiscal Responsibility

- At the January 30, 2019 teleconference, communities considered the Province's presentation of a range of optional fees and decided that a \$100 Kootenay-wide ICBL fee was the preferred option. The Provincial analysis indicates that any revenue loss from the Kootenay-wide ICBL partnership is unsubstantial at worst and the program offers substantial benefits for communities.

Policy/Legislation

Section 15 (1) and 8 (6) of the *Community Charter*.

Attachments

Kootenay-Wide Inter-Community Business Licence Bylaw No. 2069, 2019.

Recommendation

[Recommendation]

Options

1. THAT Council give first and second readings.
2. THAT Council refers the matter back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2069, 2019

A BYLAW TO ESTABLISH A SCHEME FOR INTER-COMMUNITY BUSINESS LICENCING AND REGULATION OF TRADES, OCCUPATIONS AND BUSINESSES

WHEREAS Council may, pursuant to Section 8(6) of the Community Charter, regulate in relation to business;

AND WHEREAS pursuant to Section 14 of the Community Charter, 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 pursuant to Section 15(1) of the Community Charter, 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;

AND WHEREAS Council has given notice of its intention to adopt this bylaw by publishing such notice in two consecutive issues of a newspaper, the last publication appearing not less than three (3) and not more than ten (10) days before the hearing and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council at a hearing pursuant to Section 59 of the Community Charter,

NOW THEREFORE the Council of the City of Grand Forks in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the City of Grand Forks "INTER-COMMUNITY BUSINESS LICENCE BYLAW NO. 2069, 2019.

2. 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”.

“Excluded Business” means a Business excluded from application for an Inter-Community Business Licence and includes those Businesses referred to in Schedule 'A' attached hereto and forming part of 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 includes but is not limited to trades, plumbers, electricians, cleaning services, pest control or other similar Businesses. This does not include fruit stands, flea markets, trade shows or other similar Businesses.
“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 those communities that have adopted an Inter-Community Business Licence Bylaw and any municipalities that adopt such a bylaw at a later date.
“Person”	has the meaning ascribed to it by the Interpretation Act.
“Premise”	means a fixed or permanent location where the applicant ordinarily carries on Business.
“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.

3. Regulations

- a) Subject to Section (c) and (e), 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.
- b) 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.

- c) 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.
- d) 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.
- e) Notwithstanding the issuance of an Inter-Community Business Licence, every person who carries on, maintains, owns or operates, within a Participating Government, any profession, business, trade, occupation, calling, undertaking or thing in or from more than one branch, office, place, premise or store shall obtain a separate Standard Business Licence for each branch, office, place, premise or store. And further, notwithstanding Sections (b), (c), and (d), the Participating Governments agree that where an applicant for an Inter-Community Business Licence:
 - i. does not maintain Premises in any of the Participating Governments, then the applicant may apply at any one of them; or
 - ii. 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.

4. Fees

- a) The fee for an Inter-Community Business Licence is \$100 and shall be paid in full at the time of application and will be retained by the Participating Government that issues the licence.
- b) The fee for an Inter-Community Business Licence is separate and additional to any Business Licence fee that may be required.
- c) The annual Inter-Community Business Licence fees prescribed in this bylaw may be reduced pro-rate in respect of any person who becomes liable to be licensed AFTER the commencement of the licence period, on the same basis as the municipal business license.

5. Application

- a) 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:
 - i. 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;
 - ii. Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
 - iii. Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
 - iv. Disclosing the number of distinctive lines of goods sold or offered for sale;

- v. Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Government may require.
 - b) 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.
6. Suspension or Cancellation of an Inter-Community Business Licence
- a) A Council or Designated Officer or Employee of a Participating Government may exercise the authority of the Principal Government in accordance with Sections 15 and 60 of 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.
 - b) Before suspending or canceling an Inter-Community Business Licence under Section 6(a), 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.
 - i. 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.
 - ii. 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(a).
 - c) Any conduct by a licence holder resulting in a hearing made under Section 6(b)(i) shall be considered by the Council of the Principal Government as though it happened within the jurisdiction of the Principal Government.
 - d) A decision by a Principal Government or Participating Government to cancel or suspend an Inter-Community Business Licence under Section 6 (b) shall be honoured by all Participating Governments.
 - e) 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 Section 15 of the Community Charter and amendments thereto.
7. Miscellaneous
- a) 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.

Notice must:

- i. 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
 - ii. Include a certified copy of the Bylaw authorizing the withdrawal.
- b) 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.
8. Severability
- a) 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.
9. Effective Date: This Bylaw shall come into full force and effect on the **first day of January 2020 and operate as a pilot program until December 2021.**

Read a first and second time by the Municipal Council this 16th day of December, 2019.

Read a third time by the Municipal Council this _____ day of _____, 2020.

Finally adopted on this _____ day of _____, 2020.

Mayor Brian Taylor

Corporate Officer – Daniel Drexler

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, fruit stands, flea markets, trade shows or other similar Businesses.
5. Cannabis related businesses (a business which involves the sale of cannabis).