

BYLAW NO. 4355, 2012

Consolidated with amendments in Bylaw 4453, 2013

Note: This is a consolidation for convenience purposes only and does not have the force of law.

A bylaw to enter into an agreement with the Corporation of the City of Port Coquitlam and the Corporation of the City of Port Moody relating to an Intermunicipal Business Licence Agreement

WHEREAS the Corporation of the City of Coquitlam, the Corporation of the City of Port Coquitlam and the Corporation of the City of Port Moody 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 Coquitlam, the Corporation of the City of Port Coquitlam and the Corporation of the City of Port Moody (herein called singularly the Participating Municipality or collectively as the “Participating Municipalities”) has adopted this Bylaw:

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be known and cited for all purposes as the “Intermunicipal Business Licence Bylaw No. 4355, 2012.”

2. Intermunicipal Scheme

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

3. Definitions:

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 Agreement 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 Coquitlam
City of Port Coquitlam
City of Port Moody

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.

4. Intermunicipal Business Licences

- 4.1 Subject to sections 4.2 and 4.4, 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.

- 4.2 A Participating Municipality may issue an Intermunicipal Business Licence to an applicant for an Intermunicipal Business Licence provided the Business is not an Excluded Business, and the applicant meets the requirements of this Bylaw in addition to the requirements of the Municipal Business Licence of that Participating Municipality.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 The fee for an Intermunicipal Business Licence is \$165.00 and is payable to the Principal Municipality.
- 4.7 The fee for an Intermunicipal Business Licence is separate and additional to any Municipal Business Licence that may be required.
- 4.8 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.

5. Term of Licence

- 5.1 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.
- 5.2 Participating Municipalities that pro-rate their Municipal Business Licence may also pro-rate the Intermunicipal Business Licence.
- 5.3 Participating Municipalities that provide for a pro-rated Municipal Business Licence and a pro-rated Intermunicipal Business Licence under section 5.2 of this Bylaw must pro-rate both licences on the same basis.

6. Suspension and Cancellation of Intermunicipal Business Licences

- 6.1 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.
- 6.2 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 to consider whether or not the licence should be cancelled pursuant to section 15 or section 60(2) of the *Community Charter* and amendments thereto.
- 6.3 Any resolution made under section 6.2 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.
- 6.4 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.
- 6.5 The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Intermunicipal Business Licences.
- 6.6 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.

7. Withdrawal from Intermunicipal Scheme

- 7.1 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:
- 7.1.1 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

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

7.2 Despite section 7.1, 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.

8. Revenue Sharing

8.1 The revenue from the Intermunicipal Business Licence fees shall be shared amongst all Participating Municipalities using a revenue sharing formula that is agreed upon by all Participating Municipalities and as set out in Schedule "B" of this Bylaw.

8.2 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 6 months after the commencement of this Bylaw.

8.3 Distribution of the total amount revenue collected from January 1st to December 31st will be paid by March 1st of the succeeding year.

9. Severability

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.

10. Commencement

This Bylaw shall come into effect on January 1, 2013.

11. Sunset Provision

Section 8 of this Bylaw and Schedule "B" is repealed on December 31, 2014.

READ A FIRST TIME this 19th day of November, 2012.

READ A SECOND TIME this 19th day of November, 2012.

READ A THIRD TIME this 19th day of November, 2012.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 10th day of December, 2012.

_____ MAYOR

_____ CLERK

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 licenced 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.

Schedule "B"**Revenue Sharing and Distribution Formula**

Participating Municipality	Proportion of Intermunicipal Licence Revenue Generated in 2014
Coquitlam	29%
Port Coquitlam	18%
Port Moody	53%