

**CITY OF BURNABY**

**BYLAW NO. 13230**

**A BYLAW respecting inter-municipal business licences**

WHEREAS the City of Burnaby, the Corporation of Delta, the City of New Westminster, the City of Richmond, the City of Surrey, and the City of Vancouver (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;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar Bylaw and has or will enter into an agreement with the other Participating Municipalities to implement the inter-municipal business licence scheme;

NOW THEREFORE the Council of the City of Burnaby ENACTS as follows:

1. There is hereby established an inter-municipal licence scheme among the Participating Municipalities, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The inter-municipal business licence scheme established by this Bylaw will operate for a period of 27-months, from October 1, 2013 to December 31, 2015.
3. In this Bylaw:

"*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 that provides a service or product other than from their *Premises*;

*"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*;

*"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 any one of the *Participating Municipalities*;

*"Person"* has the meaning in the *Interpretation Act*, 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 a Premises; and

*"Vancouver Charter"* means the *Vancouver Charter*, S.B.C. 1953 c. 55.

4. Subject to the provisions of this 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 this 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 *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*.
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 paragraphs 12(a) and (b), the *Inter-municipal Business Licence* fee will not be pro-rated.
12. The length of term of an *Inter-municipal Business Licence* is twelve (12) months, except that:
  - (a) at the option of a *Participating Municipality*, the length of term of the initial *Inter-municipal Business Licence* issued to an *Inter-municipal Business* in that municipality may be less than twelve (12) months in order to harmonize the expiry date of the *Inter-municipal Business Licence* with the expiry date of the *Municipal Business Licence*; and
  - (b) any *Inter-municipal Business Licence* issued on or after January 1, 2015 will expire on December 31<sup>st</sup>, 2015;

13. An *Inter-municipal Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its terms expires, unless the *Inter-municipal Business Licence* is suspended or cancelled or a *Participating Municipality* withdraws from the inter-municipal business licence scheme among the *Participating Municipalities* in accordance with this Bylaw.
14. 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 *Vancouver 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.
15. 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 *Vancouver Charter* or the business licence bylaw of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.
16. The cancellation of an *Inter-municipal Business Licence* under section 15 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*.
17. 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* or sections 272, 273, 279A, 279A.1, 279B and 279C of the *Vancouver Charter*.



18. *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 by-law authorizing the municipality's withdrawal from the *Inter-municipal Business Licence* scheme.
19. Despite any other provision of this Bylaw, an *Inter-municipal Business Licence* granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*. Furthermore, a business licence granted under any other inter-municipal business licence scheme is deemed not to exist for the purposes of this Bylaw even if a *Participating Municipality* is a participating member of the other inter-municipal business licence scheme.
20. 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.
21. This Bylaw shall come into force and take effect on the 1<sup>st</sup> day of October, 2013.
22. This Bylaw is cited as ***"BURNABY INTER-MUNICIPAL BUSINESS LICENCE BYLAW 2013"***.

Read a first time this 22<sup>nd</sup> day of July 2013

Read a second time this 22<sup>nd</sup> day of July 2013

Read a third time this 22<sup>nd</sup> day of July 2013

Reconsidered and adopted this 26<sup>th</sup> day of August 2013

  
MAYOR  
  
CLERK