

CITY OF SURREY

BY-LAW NO. 17809

A by-law to enter into an Inter-Municipal Business Licence Scheme

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As amended by By-law No. 18021, 07/29/13; 18104, 11/25/13; 18541, 11/16/15; 18872, 10/24/16

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS Fraser Valley municipalities wish to enter into an agreement with one-another to permit certain categories of Businesses to operate across municipal jurisdictions within the Fraser Valley region while minimizing the need to obtain a separate Municipal Business Licence in each jurisdiction;
- (b) AND WHEREAS each of the undersigned local governments (herein called singularly the Participating Municipality or as a group the "Participating Municipalities") has adopted this By-law;

NOW THEREFORE the Council of the City of Surrey, in open meeting assembled, enacts as follows:

- 1. There is hereby established an inter-municipal business licence scheme, pursuant to section 14 of the *Community Charter* and according to the terms and conditions of this By-law.
- 2. Deleted - Bylaw 18541 - 11/16/2015
- 3. This By-law may be cited as for all purposes as "Fraser Valley Inter-Municipal Business Licence By-law, 2012, No. 17809".

4. In this By-law:

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

“*Community Charter*” means the *Community Charter*, S.B.C. 2003, c.26;

“*Mobile Business*” means a trades contractor or other professional (related to the construction industry) or a contractor who performs maintenance and/or repair of land & buildings from other than their Premises;

“*Inter-Municipal Business Licence*” means a business licence which authorizes a Mobile Business to be carried on within the jurisdictional boundaries of any or all of the Participating Municipalities in accordance with this By-law;

“*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 those of the following municipalities that have adopted this By-law:

City of Abbotsford	Township of Langley
City of Chilliwack	City of Maple Ridge
Corporation of Delta	District of Mission
District of Hope	City of Pitt Meadows
District of Kent	City of Surrey
City of Langley	

“*Person*” has the meaning as defined by the *Interpretation Act*, S.B.C. 1996, c. 238;

“*Premises*” means a fixed or permanent location where the Person ordinarily carries on Business; and

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

5. Subject to sections 6 and 8, a Person who has obtained an Inter-Municipal Business Licence may 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.
6. A Principal Municipality may issue an Inter-Municipal Business Licence to an applicant for an Inter-Municipal Business Licence provided the applicant is a Mobile Business and meets the requirements of this By-law in addition to the requirements of the Municipal Business Licence by-law of the Principal Municipality.
7. 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 by-law or regulation in addition to any other by-laws that may apply within any jurisdiction in which the Person carries on Business.
8. A Person that operates a Mobile Business may only apply for an Inter-Municipal Business Licence from the Participating Municipality in which they maintain a Premises.
9. Neither this By-law nor the issuance of an Inter-Municipal Business Licence eliminates a requirement of a holder of an Inter-Municipal Business Licence to obtain a Municipal

Business Licence for each Premises that is maintained within the jurisdiction of the Participating Municipality.

10. The Inter-Municipal Business Licence fee is \$250 and is payable to the Principal Municipality. The Inter-Municipal Business Licence fee is separate and additional to any Municipal Business Licence fee that may be required.
11. Notwithstanding that some Participating Municipalities pro-rate their Municipal Business Licence fee, the Inter-Municipal Business Licence fee must not be pro-rated.
12. The revenue generated from Inter-Municipal Business Licence fees is shared amongst all Participating Municipalities using the revenue sharing formula referred to in Schedule "A" of this By-law.
13. The Participating Municipalities agree that the revenue sharing formula will be reviewed from time to time, and will be altered as necessary upon agreement of all Participating Municipalities.
14. The revenue generated from Inter-Municipal Business License fees collected by the Participating Municipalities will be distributed by each Participating Municipality to the other Participating Municipalities as follows:
 - (a) The revenue generated from Inter-Municipal Business License fees collected from January 1 to December 31 inclusive will be distributed by February 28 of the year following the year in which the fees were collected.
15. The term of the Inter-Municipal Business Licence is the same as the term for the Municipal Business Licence issued by the Principal Municipality for that Business category.
16. An Inter-Municipal Business Licence issued within the 12 month term of the Inter-Municipal business licence scheme established by this By-law shall, until its term expires, remain valid within the jurisdictional boundaries of any or all of the Participating Municipalities.
17. Each Participating Municipality shall provide the other Participating Municipalities with information regarding the Inter-Municipal Business Licences that it issues by way of regular updates on a shared database that is available to all Participating Municipalities.
18. 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 the Municipal Business Licence by-law or regulation of the Participating Municipality. The suspension shall be in effect throughout all of the Participating Municipalities and it shall 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.

19. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Inter-Municipal Business Licence issued by another of the Participating Municipalities, then it may by resolution reciting the details of such reasonable cause request 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*.
20. Any resolution made under section 19 of this By-law shall be communicated in writing to the Principal Municipality that issued the Inter-Municipal 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 Inter-Municipal Business Licence should be cancelled.
21. In making any decision as to whether to cancel an Inter-Municipal Business Licence under section 19 of this By-law or section 15 or section 60(2) of the *Community Charter*, the Principal Municipality shall approach the matter as if the conduct complained of had occurred within its own jurisdictional boundaries.
22. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-Municipal Business Licences.
23. Nothing in this By-law 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*.
24. The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of any other provisions of this By-law and any such invalid or unenforceable provision shall be deemed to be severable.
25. In the event of an inconsistency between this By-law and any other by-law relating to business licencing of a Participating Municipality, the provisions of this By-law shall take precedence.
26. Despite any other provision of this By-law, an Inter-Municipal Business Licence granted in accordance with this By-law 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 By-law even if a Participating Municipality is a participating member of the other inter-municipal business licence scheme.

This By-law shall come into force and take effect on the 1st day of January, 2013.

PASSED FIRST READING on the 10th day of December, 2012.

PASSED SECOND READING on the 10th day of December, 2012.

PASSED THIRD READING on the 10th day of December, 2012.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 10th day of December, 2012.

_____MAYOR

_____CLERK

Schedule "A"

The revenue generated from Inter-Municipal Business License fees is shared on the following formula:

The Principal Municipality is to retain 90% of the fee collected and the remaining 10% is to be distributed evenly to the remainder of the Participating Municipalities.

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