

CITY OF SURREY

BYLAW NO. 18019

A Bylaw to enter into an agreement among 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") regarding an Inter-Municipal Business Licence Scheme

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The Council of the City of Surrey, ENACT AS FOLLOWS:

1. The City is authorized to enter into an Agreement with 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, in substantially the form and substance of the Agreement attached to this Bylaw as Schedule "A".
2. The Mayor and the City Clerk are authorized on behalf of the Council to sign the Agreement.
3. Schedule "A" forms a part of this Bylaw.
4. This Bylaw may be cited for all purposes as "Metro West Inter-Municipal Business Licence Agreement Bylaw, 2013, No. 18019"


This Bylaw comes into force and takes effect on the 29th day of July, 2013.

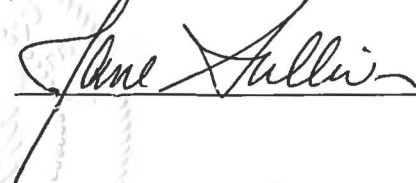
PASSED FIRST READING on the 22nd day of July, 2013.


PASSED SECOND READING on the 22nd day of July, 2013.

PASSED THIRD READING on the 22nd day of July, 2013.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 29th day of July, 2013.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK



## Schedule "A"

### Inter-Municipal Business Licence Agreement

This Agreement made the 29th day of July, 2013

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 (hereinafter 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;

NOW THEREFORE 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 agree as follows:

1. The Participating Municipalities agree to establish an Inter-Municipal business licence scheme among the Participating Municipalities, pursuant to section 14 of the *Community Charter* and section 192.1 of the *Vancouver Charter*.
2. The Participating Municipalities will request their respective municipal councils to each ratify this Agreement and enact a bylaw to implement the Inter-Municipal business licence scheme effective October 1, 2013.
3. The term of this Agreement and the Inter-Municipal business licence scheme will be October 1, 2013 to December 31, 2015.
4. In this Agreement:

"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;

"Inter-Municipal Business Licence Bylaw" means the bylaw adopted by the council of each Participating Municipality to implement the Inter-Municipal Business Licence scheme contemplated by this Agreement;

"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*, R.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 Premises; and

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

5. Subject to the provisions of the Inter-Municipal Business Licence 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.
6. 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 the Inter-Municipal Business Licence Bylaw, in addition to the requirements of the Principal Municipality's bylaw that applies to a Municipal Business Licence.
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 Bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.
8. An Inter-Municipal Business Licence must be issued by the Participating Municipality in which the applicant maintains Premises.
9. 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.
10. The Inter-Municipal Business Licence fee is \$250 and is payable to the Principal Municipality.

11. 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.
12. Despite paragraphs 17(a) and (b), the Inter-Municipal Business Licence fee will not be pro-rated.
13. The Participating Municipalities will distribute revenue generated from Inter-Municipal Business Licence fees amongst all Participating Municipalities based on the revenue sharing formula referred to in Schedule 1 to this Agreement.
14. The Participating Municipalities will review the inter-municipal business licence scheme and the revenue sharing formula established by this Agreement from time to time and may alter the formula in Schedule 1 by written agreement of all Participating Municipalities.
15. The first distribution of revenue generated from Inter-Municipal Business Licence fees will take place following the nine month period of October 1, 2013 to June 30, 2014.
16. After June 30, 2014, each subsequent distribution of revenue generated from Inter-Municipal Business Licence fees will take place following each subsequent six month period.
17. 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, 2015.
18. An Inter-Municipal Business Licence will be valid within the jurisdictional boundaries of all of the Participating Municipalities until its term 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 the Inter-Municipal Business Licence Bylaw.
19. Each Participating Municipality will share a database of Inter-Municipal Business Licences, which will be available for the use of all Participating Municipalities.

20. Each Participating Municipality which issues an Inter-Municipal Business Licence will promptly update the shared database after the issuance of that licence.
21. 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.
22. 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.
23. The cancellation of an Inter-Municipal Business Licence under section 22 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.
24. Nothing in this Agreement 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*.
25. 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 bylaw authorizing the municipality's withdrawal from the Inter-Municipal Business Licence scheme.
26. Prior to the effective date of a withdrawal under section 25 of this Agreement, the remaining Participating Municipalities will review and enter into an agreement to amend the revenue distribution formula set-out in Schedule 1 of this Agreement.

27. Nothing contained or implied in this Agreement shall fetter in any way the discretion of the Council of the Participating Municipalities. Further, nothing contained or implied in this Agreement shall prejudice or affect the Participating Municipalities' rights, powers, duties or obligation in the exercise of its functions pursuant to the *Community Charter*, *Vancouver Charter*, or the *Local Government Act*, as amended or replaced from time to time, or act to fetter or otherwise affect the Participating Municipalities' discretion, and the rights, powers, duties and obligations under all public and private statutes, bylaws, orders and regulations, which may be, if each Participating Municipality so elects, as fully and effectively exercised as if this Agreement had not been executed and delivered by the Participating Municipalities.

**SIGNED AND DELIVERED** on behalf of the Participating Municipalities, the Councils of each of which has, by bylaw, ratified this Agreement and authorized their signatures to sign on behalf of the respective Councils, on the dates indicated below.

**CITY OF BURNABY**

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

Date \_\_\_\_\_

**CORPORATION OF DELTA**

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

Date \_\_\_\_\_

**CITY OF NEW WESTMINSTER**

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

Date \_\_\_\_\_

**CITY OF RICHMOND**

Chief  
Administrative  
Officer \_\_\_\_\_

General Manager,  
Corporate and  
Financial Services \_\_\_\_\_

Date \_\_\_\_\_

**CITY OF SURREY**

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

Date \_\_\_\_\_

**CITY OF VANCOUVER**

Director of Legal  
Services \_\_\_\_\_

Date \_\_\_\_\_

**Schedule 1**  
**of**  
**Inter-Municipal Business Licence Agreement**

The revenue generated from Inter-Municipal Business Licence fees will be distributed based on the following revenue sharing formula:

<b>Participating Municipality</b>	<b>% share of revenue generated from Inter-Municipal Business Licence fees</b>
City of Burnaby	14.37%
Corporation of Delta	9.67%
City of New Westminster	9.34%
City of Richmond	18.86%
City of Surrey	23.46%
City of Vancouver	24.30%
Total	100%