



The Corporation of the Village of Slocan Memo

MTG DATE:	DEC 13/21
ITEM:	BYLAWS
FILE:	ICBL

DATE: December 13, 2021
TO: Mayor and Village Council
FROM: M. Gordon, CAO
SUBJECT: Inter-Community Business Licence Bylaw (ICBL)

BACKGROUND:

- 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 was the target date for the Kootenay-wide bylaw to take effect.
- At the June 10th, 2019 meeting, Council received the proposal and approved becoming part of the ICBL Partnership with the participating municipalities throughout the Kootenays. Staff were directed to prepare the bylaw, as required.
- On January 13th, 2020, the "Village of Slocan Inter-Community Business Licence Bylaw No. 673, 2020" was adopted.
- This bylaw is in addition to the Village's current Business Licence Bylaw, and does not affect or replace our current licensing process. Inter-Community Licences are elective licences, *over and above* our municipal licences.
- The following Kootenay Communities are included in this partnership: Cranbrook, Fernie, Golden, Grand Forks, Greenwood, Invermere, Kimberly, Nelson, Rossland, Trail, Creston, Canal Flats, Fruitvale, Kaslo, Midway, Montrose, Nakusp, New Denver, Radium Hot Springs, Salmo, Silverton, Slocan and Warfield.

CONSIDERATION:

The ICBL bylaw was targeted to come into force and effect in January of 2020, and operate as a 2-year pilot program until December 21.

The CAO attended an online meeting with the Partnership on November 25, 2021 to discuss the successes and challenges over the term of the 2-year pilot. The consensus of the group was that the program offered much benefit to contractors operating within the Kootenays, and that the bylaw should be presented to each respective Council for permanent adoption.

BYLAW AMENDMENT:

- Section 8(a):

"This Bylaw shall come into full force and effect on the day of adoption and operate as a pilot program until December 2021"

will be deleted in its entirety, and replaced with the following:

"This Bylaw shall come into full force and effect on January 1st, 2022."

BENEFITS & NEGATIVE IMPACTS:

- Created in partnership with local governments, UBCM and the Province of BC, ICBL partnerships streamline and simplify the licensing process, making it easier to do business in participating communities. ICBLs allow businesses (e.g. contractors, caterers, and other service providers, excluding "mobile food vendors") to operate across the participating government jurisdictions, without having to apply for multiple businesses licences.
- Consolidating existing ICBL partnerships into a Kootenay-wide ICBL builds on the success of existing ICBL programs and expands 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 better addresses 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%.
- Expanding to a Kootenay-wide ICBL fosters a more open, robust and prosperous community and region.
- Inter-municipal licensing increases compliance, reduces application processing time, improves information flow among participating municipalities, and increases the ability to monitor compliance.
- This program saves business owners time and money, and allows businesses to expand operations where their services are needed.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

- Council may, pursuant to section 8(6) of the *Community Charter*, regulate in relation to business.
- Pursuant to Section 14 of the CC, two or more municipalities may, by bylaw, establish in Inter-Community scheme in relation to one or more matters.
- Section 15(1) of the CC 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.

- Section 59(2) of the CC states that before adopting a bylaw under business regulation, a Council must give notice of its intention, and provide an opportunity for those affected to be heard. Representations from the public will be received until January 5th, 2022 at 4:00pm.

COSTS AND BUDGET IMPACT - REVENUE GENERATION:

- The Kootenay-wide ICBL fee is \$100, and is in addition to Village base licencing fees.
- Cost for advertising the bylaw amendment, pursuant to the CC S.59. The Village will submit a joint advertisement with the Villages of Silverton and New Denver, which will reflect some cost-savings.

RECOMMENDATION:

1. That the "Village of Slocan Inter-Community Business Licence Amendment Bylaw No. _____, 2022" be read a first, second and third time by title only, and that staff be directed to post notice of intention to adopt, in accordance to the *Community Charter*, section 59(2).



Michelle Gordon
Chief Administrative Officer

**THE CORPORATION OF THE VILLAGE OF SLOCAN
BYLAW NO. ____**

**BEING A BYLAW TO AMEND THE INTER-COMMUNITY BUSINESS
LICENCE BYLAW NO. 673**

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

AND WHEREAS Council deems it desirable to amend the "Inter-Community Business Licence Bylaw No. 673, 2020;

NOW THEREFORE the Municipal Council of the Village of Slocan, in open meeting assembled, hereby ENACTS as follows:

1. That *Section 8(a)* –

"This Bylaw shall come into full force and effect on the day of adoption and operate as a pilot program until December 2021"

Be deleted in its entirety, and replaced with:

"This Bylaw shall come into full force and effect on January 1, 2022."

2. This bylaw may be cited as the **"Inter-Community Business Licence Amendment Bylaw No. ____, 2022"**.

READ A FIRST TIME the __ day of ____, 2021.

READ A SECOND TIME the __ day of ____, 2021.

READ A THIRD TIME the __ day of ____, 2021, 2021.

FINALLY PASSED AND ADOPTED the __ day of ____, 2022.

Mayor

Chief Administrative Officer

THE CORPORATION VILLAGE OF SLOCAN

BYLAW NO. 673

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 Municipal Council of the Village of Slocan, in open meeting assembled, hereby ENACTS as follows:

1. INTERPRETATION

In this bylaw unless the context otherwise requires:

- | | |
|-----------------------------------|--|
| "Business" | has the meaning as defined by the " <i>Community Charter</i> 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 communities located in the Kootenay Region of BC that have adopted this Inter-Community Business Licence Bylaw.
“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.

2. REGULATION

- 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.

3. **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 licence.

4. **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.

5. 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.

6. **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.

7. **SEVERABILITY**

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.

8. **ENACTMENT**

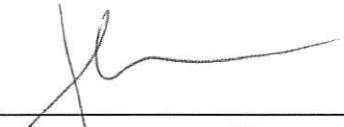
- a) This Bylaw shall come into full force and effect on the day of adoption and operate as a pilot program until December 2021.
- b) This bylaw may be cited for all purposes as the **“Village of Slocan Inter-Community Business Licence Bylaw No. 673, 2020”**.

READ A FIRST TIME the 9th day of December, 2019.


READ A SECOND TIME the 9th day of December, 2019.

READ A THIRD TIME the 9th day of December, 2019.

FINALLY PASSED AND ADOPTED the 13th day of January, 2020.



Mayor



Chief Administrative Officer



The Corporation of the Village of Slocan
PO Box 50, 503 Slocan Street, Slocan, BC, V0G 2C0
250-355-2277 | cao@villageofslocan.ca

NOTICE OF INTENTION:
VILLAGE OF SLOCAN INTER-COMMUNITY
BUSINESS LICENCE BYLAW

**The Council of the Village of Slocan hereby gives notice of its intention to
Amend the Inter-Community Business Licence Bylaw.**

The Bylaw, when first adopted in January 2020, was intended to operate as a 2-year pilot program. The ICBL Bylaw will be amended to remove the pilot program clause, rendering the bylaw permanent and ongoing from here forward. The bylaw will enable mobile businesses in Slocan (ie: contractors, caterers, and other service providers) the opportunity to purchase an Inter-Community Business Licence (\$100 fee), in addition to their base Slocan business licence, allowing them to operate within all participating communities in the Kootenay Region under one licence and one fee.

Copies of the proposed bylaw amendment can be read at the Village Office or online at www.slocancity.com/bylaws.

Council will consider adoption of the proposed bylaw amendment at their regular meeting of January 10th, 2022 at 7:00pm.

Comments on the proposed bylaw will be received until 4:00pm on
Wednesday, January 5th, 2022.

Michelle Gordon
Chief Administrative Officer