

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1261

A bylaw to enter into an Inter-Community Business License Scheme

WHEREAS municipalities and the Regional District of Central Okanagan wish to enter into an agreement with one-another to permit certain kinds of businesses to operate across jurisdictions within the province while minimizing the need to obtain a separate Business License in each jurisdiction;

AND WHEREAS each of the undersigned local governments (herein called singularly the Participating Municipality or as a group the "Participating Municipalities") has adopted this Bylaw;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:

1. There is hereby established an intermunicipal business License scheme, pursuant to the Regional District of Central Okanagan Regulation B.C. Reg 391/89 (Order in Council No. 844) and according to the terms and conditions of this Bylaw.
2. This bylaw may be cited for all purposes as Regional District of Central Okanagan Inter-Community Business License Bylaw No. 1261, 2009".
3. In this Bylaw:

"Business" has the meaning as defined by the *Community Charter* SCHEDULE – Definitions and Rules of Interpretation.

"Excluded Businesses" means Business types which are excluded from application for an Inter-Community Business License and includes those Businesses referred to in Schedule A.

"Inter-Community 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 participating municipalities, and who provides the service or activity by moving from client to client.

"Inter-Community Business License" means a business License which authorizes an Inter-Community Business to be carried on within the boundaries of any or all of the Participating Municipalities in accordance with this Bylaw.

"Municipal Business License" means a License or permit, other than an Inter-Community Business License, 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 Inter-Community Business License Bylaw, the Regional District of Central Okanagan, and any other municipalities that adopt this bylaw at a later date.

City of Armstrong	District of West Kelowna	District of Coldstream
City of Enderby	City of Kelowna	Village of Keremeos
District of Lake Country	Village of Lumby	Town of Oliver
Town of Osoyoos	District of Peachland	City of Penticton
Town of Princeton	City of Salmon Arm	City of Vernon
Township of Spallumcheen	District of Summerland	Regional District of Central Okanagan

“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.

“Principal Municipality” means the Participating Municipality where a Business is located or has a Premises, or where the Licensee does not maintain a Premises in any of the Participating Municipalities the jurisdiction that issues the Inter-Community Business License.

4. Subject to sections 6 and 8, a Person who has obtained an Inter-Community Business License may carry on Business within a Participating Municipality for the term authorized by the Inter-Community Business License without obtaining a Municipal Business License in the other Participating Municipalities.
5. A Participating Municipality may issue an Inter-Community Business License to an applicant for an Inter-Community Business License provided the Business type is not an Excluded Business, and the applicant meets the requirements of this Bylaw in addition to the requirements of the Municipal Business License of that Participating Municipality.
6. Notwithstanding that a Person may hold an Inter-Community Business License that would make it unnecessary to obtain a Municipal Business License in other Participating Municipalities, the Person must still comply with all other regulations of any Municipal Business License bylaw or regulation in addition to any other bylaws that may apply within any jurisdiction in which the Person carries on Business.
7. A Business that operates an Inter-Community Business may only apply for a Inter-Community Business License from the Participating Municipality in which they maintain a Premises.
8. Neither this Bylaw nor the issuance of an Inter-Community Business License eliminates a requirement of a holder of an Inter-Community Business License to obtain a Municipal Business License for each premises that is maintained within the jurisdiction of the Participating Municipality.

9. Notwithstanding Sections 5, 6 and 7, the Participating Municipalities agree that where an applicant for an Inter-Community Business License does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them. The Participating Municipality's Municipal Business License must be purchased prior to the application for an Inter-Community Business License.
10. The fee for an Inter-Community Business License is \$150 and shall be retained by the Participating Municipality that issues the License. The fee for an Inter-Community Business License is separate and additional to any Municipal Business License that may be required.
11. Every Inter-Community Business License shall be issued in a standard form to be agreed upon from time to time by the Participating Municipalities. Each Participating Municipality shall periodically provide the other Participating Municipalities with a list of Inter-Community Business Licenses that it has issued during the calendar year.
12. A Participating Municipality may exercise the authority of the Principal Municipality and suspend an Inter-Community Business License in relation to conduct by the holder within the Participating Municipality which would give rise to the power to suspend a business License under the *Community Charter* or the business License or regulation bylaw 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-Community Business License in any Participating Municipality for the period of the suspension.
13. If the Council of a Participating Municipality is of the opinion that reasonable cause exists to cancel an Inter-Community Business License 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 License to consider whether or not the License should be cancelled pursuant to Sections 15 or Section 60(2) of the *Community Charter* and amendments thereto.
14. Any resolution made under Section 13 shall be communicated in writing to the Principal Municipality that issued the Inter-Community Business License, 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-Community Business License should be cancelled.
15. In making any decision as to whether to cancel an Inter-Community Business License under Section 14 or Section 60(2) of 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.
16. The Principal Municipality will retain the authority to hear related reconsiderations or appeals of suspensions and cancellations of Inter-Community Business Licenses.
17. Nothing in this bylaw affects the authority of a Participating Municipality to suspend or cancel any business License 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.

18. A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business License scheme established by this Bylaw, and notice must:

- a. Set out the date on which the withdrawing participating municipality will no longer recognize the validity within its boundaries of business Licenses issued pursuant to this Bylaw, which date must be at least six months from the date of the notice; and
- b. Include a certified copy of the bylaw authorizing the withdrawal.

19. An Inter-Community Business License issued prior to the effective date of the withdrawal shall, until it expires, remain valid within the boundaries of the withdrawing Municipality/Regional District;

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. In the event of an inconsistency between this Bylaw and any other bylaw relating to business licensing of a Participating Municipality, the provisions of this Bylaw shall take precedence.

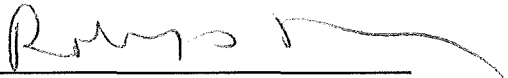
22. This Bylaw shall come into force and take effect on the 1st day of January 2010.

READ A FIRST TIME THIS 21st DAY OF September 2009.

READ A SECOND TIME THIS 21st DAY OF September 2009.

READ A THIRD TIME THIS 26th DAY OF October 2009.

RECONSIDERED AND ADOPTED THIS 26th DAY OF October 2009.



CHAIR



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1261 cited as the "Regional District of Central Okanagan Inter-Community Business License Bylaw No. 1261, 2009" as read a third time and adopted by the Regional Board on the 26th day of October 2009.

Dated at Kelowna, B.C. this
27th day of October 2009



DIRECTOR OF CORPORATE SERVICES

Schedule A

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business License under the intermunicipal business licensing scheme set out in this Bylaw:

- Social escort services
- Vehicles for hire (for example, taxis, limousines or buses)
- Body-rub 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 Licensed or registered under any statute of the Province of British Columbia governing such activities or a therapeutic touch technique.)