

TOWN OF COMOX

BYLAW NO. 1529

A BYLAW TO ESTABLISH AN INTERMUNICIPAL BUSINESS LICENCE SCHEME

WHEREAS provisions of the *Community Charter* allow two or more municipalities, by bylaw adopted by the council of each, to enter into an intermunicipal scheme in relation to one or more matters for which they have authority;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

- (1) This bylaw may be cited for all purposes as the "Comox Intermunicipal Business Licence Agreement Authorization Bylaw, 2006".

2. Authorization

- (1) The Council of the Town of Comox hereby authorizes the Town of Comox to enter into an agreement with the Corporation of the City of Courtenay to administer an intermunicipal business licence scheme, in accordance with the terms and conditions outlined in the Courtenay-Comox Business Licence Agreement, attached as Schedule 1 and forming part of this Bylaw.

3. Execution of Documents

- (1) The Mayor and the Corporate Officer are hereby authorized to sign and seal the necessary documents to give effect to the intent of this Bylaw.

4. Effective Date

- (1) This Bylaw will come into force and effect as of January 1, 2007.

5. Adoption

- (1) READ A FIRST AND SECOND time this 20th day of September , 2006
- (2) READ A THIRD time this 20th day of September , 2006
- (3) ADOPTED this 4th day of October , 2006

"Dr. Jim Brass"

MAYOR

"Richard Kanigan"

CORPORATE OFFICER

SCHEDULE 1

Courtenay-Comox Intermunicipal Business Licence Scheme

WHEREAS the Corporation of the City of Courtenay and the Town of Comox have each adopted this agreement by Bylaw;

NOW THEREFORE the Corporation of the City of Courtenay and the Town of Comox agree pursuant to Section 14 of the *Community Charter* as follows:

1. In this agreement:

Intermunicipal Business Licence means a business licence that allows the holder of the licence to carry on business within one or more of the Participating Municipalities;

Intermunicipal Business Licence Fee means the annual fee charged by the issuing Municipality to administer the Intermunicipal Business Licence scheme;

Issuing Municipality means the Participating Municipality that issued the Intermunicipal Business Licence; and

Participating Municipalities means the Corporation of the City of Courtenay and the Town of Comox.

2. Each Participating Municipality may issue an Intermunicipal Business Licence falling under one or more of the classes listed in Appendix A, attached to and forming part of this Agreement. All holders of an Intermunicipal Business Licence must meet the requirements of this Agreement as well as both the Courtenay Business Licence Bylaw No. 1351, 1984 and the Comox Business Licence Bylaw, 1985.
3. Any applicant wishing to obtain an Intermunicipal Business Licence can make application to either of the Participating Municipalities. In the case of multiple business premises, a business licence must be obtained in respect of each location.
4. The holder of an Intermunicipal Business Licence may, during the term of the Licence, carry on the business authorized by the licence within the boundaries of any of the Participating Municipalities.
5. The fee for an Intermunicipal Business Licence is \$150.00
6. Before approving of an Intermunicipal Business Licence, each Participating Municipality shall refer the application to the other Participating Municipality for comment.

7. Every six months, each of the Participating Municipalities shall issue to the other Participating Municipality a list of Intermunicipal Business Licences that it has issued and fees that it has received.
8. Following each calendar year, each of the Participating Municipalities shall compare the total Intermunicipal Business Licence fees received, and the total fees received shall be adjusted through a payment to one of the Participating Municipalities, in order to reflect an amount equal to the following:
 - a. To the Corporation of the City of Courtenay: two-thirds of the total fees received, and
 - b. To the Town of Comox: one-third of the total fees received.
9. If the Council of any Participating Municipality is of the view that any holder of an Intermunicipal Business Licence issued by the other Participating Municipality has been guilty of such gross misconduct in respect of the business carried on within its boundaries that it warrants the suspension of the licence, it may by resolution reciting the details of such misconduct request the Council of the Participating Municipality that issued the licence to suspend it for the period specified in the resolution.
10. Any resolution made under Section 9 shall be communicated in writing to the Participating Municipality that issued the licence, together with such documentary evidence of the misconduct as may be available, and the Council of the Participating Municipality shall as soon as reasonably possible consider whether the licence should be suspended.
11. In making any decision as to whether to suspend a licence under Section 10, the Council of each Participating Municipality shall approach the matter as if the conduct complained of had occurred within its own boundaries.
12. If the Council of any Participating Municipality has delegated to an official the authority to suspend business licences for misconduct in respect of the business, the resolution made under Section 9 shall be communicated to the official and the official shall as soon as reasonably possible consider whether the licence should be suspended in accordance with the principle set out in Section 11.
13. Nothing in this Agreement shall be construed to abridge the right of any holder of a business licence to be heard by the Council or official considering whether to suspend the licence.
14. Nothing in this Agreement affects the authority of the Council of a Participating Municipality to suspend or revoke any business licence issued by that Municipality.
15. A Participating Municipality may, by notice in writing to the other Participating Municipality, withdraw from the licensing arrangement established by this Agreement, and notice must:

- a. set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of business licences issued pursuant to this Agreement, which must be at least six months from the date of the notice; and
- b. include a copy of a bylaw of the withdrawing municipality, authorizing the withdrawal of the municipality from the licensing arrangement established by this Agreement, but the withdrawal of any Participating Municipality does not affect the validity within its boundaries, for the remainder of its term, of any Intermunicipal Business Licence issued prior to the effective date of the withdrawal.

16. This Intermunicipal Business Licence Agreement shall come into effect on January 1, 2007.

Signed and Delivered on behalf of the Participating Municipalities, the Councils of which have, by bylaw, adopted this agreement and authorized their signatories to do so, on the dates indicated below.

The Corporation of the City of Courtenay

Mayor ***“Starr Winchester”***

Corporate Officer ***“John Ward”***

Date ***“October 18, 2006”***

The Town of Comox

Mayor ***“Dr. Jim Brass”***

Corporate Officer ***“Richard Kanigan”***

Date ***“October 5, 2006”***

APPENDIX A – Classes of Business Licences Eligible for an Intermunicipal Business Licence

Includes, but is not limited to:

- Appliance Repair & Servicing
- Arborists
- Fuel Delivery
- General Contractors – includes, but is not limited to:
 - Builders
 - Electricians
 - Excavating Services
 - Plumbers
 - Roofers
- Handyman Service & Home Maintenance
- Hauling Service
- Home Inspection Service
- Janitorial Service
- Locksmith Service
- Mobile Service – includes, but is not limited to:
 - Catering, Beverage and Music Service
 - Facial Manicurist
 - Home Care
 - Massage Therapist
 - Mobile Hairdresser/Barber
 - Mobile Mechanic
 - Pet Groomer/Sitter
 - Photographer
- Pest Control Service
- Pickup/Delivery Service
- Security Service
- Sub Contractors
- Taxi & Limo Service
- Towing Service