



TOWN OF SIDNEY

Report to Council

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TO: Mayor and Council
FROM: Yazmin Hernandez, Municipal Planner
DATE: August 28, 2019 **FILE NO.:** 3900-02
SUBJECT: Vancouver Island Inter-Community Business Licence Program

PURPOSE:

The purpose of this report is to provide for Council's consideration a new bylaw, Inter-Community Business Licence Bylaw No. 2167, which would enable the Town's participation in the new Inter-Community Business Licensing program for Vancouver Island municipalities.

BACKGROUND:

The Town of Sidney has continuously endeavored to create a friendly environment for businesses to operate in. Past business licence-related initiatives include participation in the Greater Victoria Inter-Municipal Business Licensing program (IMBL) with all 13 municipalities in the Capital Regional District since January 1, 2000. Over the course of 2018, the Town has issued 305 inter-municipal business licences to local businesses and 14 licences to out of town businesses. The popularity of the Greater Victoria IMBL program demonstrates the interest for businesses to operate across municipal boundaries and the potential for municipalities to cooperate efficiently in a system to issue and track licences.

In 2017, the Province received business licensing data from the Central Island and Greater Victoria ICBL communities showing approximately 10% of non-resident businesses purchased licences in both programs. Assuming that most mobile businesses are in the construction sector, which has 32,000 businesses on Vancouver Island according to Statistics Canada, and that 10% of these businesses are working in both the Central Island and Greater Victoria communities, then 3,200 businesses could benefit from broader partnerships.

On February 8, 2018 representatives from the Central Island and Greater Victoria Inter-municipal Business Licence groups met to discuss progress in building business partnerships on Vancouver Island. This meeting resulted in a recommendation to develop a Vancouver Island Inter-Community Business Licensing program, which is also supported and coordinated by the Provincial Ministry of Jobs, Trade and Technology. An Inter-Community Business Licence (ICBL) makes obtaining a licence easier and less costly for businesses that perform a service or activity within more than one municipality by moving from client to client rather than having clients come to them.

Given the minimal resource implications associated with reducing barriers for businesses, Victoria, Esquimalt and Ladysmith Councils have directed Staff to proceed with preparing bylaw amendments and Sooke Council has agreed in principle to join the Vancouver Island ICBL program.

DISCUSSION:

The benefits of joining the Vancouver Island ICBL include:

1. Removing administrative barriers for mobile businesses - Based on the recent business licensing analysis conducted by the Province, ICBL partnerships support a significant number of mobile businesses (e.g. contractors, caterers, and other service providers) throughout Vancouver Island by reducing administrative burden, fostering intercommunity partnerships, increasing compliance and displaying business friendliness without substantial impact to municipal revenues. Businesses would be able to then purchase either a Greater Victoria Inter-Municipal Business Licence for \$100 or a Vancouver Island ICBL for \$170. Most member municipalities have agreed to allow local businesses who currently hold a Greater Victoria IMBL to add on the Vancouver Island ICBL for an additional \$70. Businesses that do not qualify for a Greater Victoria IMBL, and cannot obtain a Vancouver Island ICBL in the Municipality where their premises are located, can purchase one from Sidney for \$170.
2. Broader program scope - An ICBL program would also establish a business licensing framework that would allow out of town businesses, whose business owners do not live or reside in participating municipalities, to purchase a single business licence to operate in participating municipalities rather than purchasing a business licence in each municipality. For example, Esquimalt Nation and Songhees Nation businesses, which are currently unable to get a Greater Victoria Inter-Municipal Business Licence, would be able to benefit from the ICBL program.
3. Improved understanding of mobile/regional businesses - The new Vancouver Island ICBL licence would require Town staff to enter licence data into a master list that the Province maintains and all participating ICBL communities can access. Due to the efficiency of the Town's business licence database the reporting requirement is unlikely to significantly increase staff workload. That being said, higher licence fees would offset any potential increase to administrative costs. Currently, no municipality within the CRD collects data regarding the number of local businesses that purchase business licences outside of the Greater Victoria Inter-Municipal Business Licensing area. The proposed Vancouver Island ICBL program would enable the collection of this data.

Participating in the Vancouver Island ICBL program would require adopting Inter-Community Business Licence Bylaw No. 2167, which outlines the Vancouver Island ICBL framework to regulate mobile trades, operations and businesses.

The objective is for the Town of Sidney to adopt Bylaw No. 2167 and be able to offer an ICBL option to all business owners starting January 1, 2020. Business license renewal notices will incorporate information regarding this new license option.

FINANCIAL IMPLICATIONS:

While it is impossible to predict how many of the 305 local businesses and 14 out of town businesses who currently hold a Greater Victoria Inter-Municipal Business Licences would opt to obtain a Vancouver Island Inter-Community Licence, the \$170 fee has been designed to be revenue neutral.

Based on a Provincial analysis the \$170 fee would maintain revenues in compensation for inspection and administrative services. The program has been designed to incur no revenue loss. On the contrary, it would allow businesses that were previously unable to obtain a Sidney business licence to qualify under the Vancouver Island ICBL program.

If implemented, staff would monitor the financial and operational impact of the ICBL program going forward and, if necessary, advise Council of any negative impact to the Town and adjust accordingly. However, staff believe that given the scope of the project, any impact either way would likely be minimal.

STAFF RECOMMENDATION:

That Council give first, second and third reading to the Town of Sidney's Inter-Community Business Licence Bylaw No. 2167.

Respectfully submitted,

I concur,

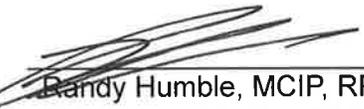
I concur,



Yazmin Hernandez, MCIP RPP
Municipal Planner



Corey Newcomb, MCIP, RPP
Senior Manager of Long Range
Planning



Randy Humble, MCIP, RPP
Chief Administrative Officer

Attachments

Appendix 1 – Inter-Community Business Licence Bylaw No. 2167

TOWN OF SIDNEY

BYLAW NO. 2167

A BYLAW TO ESTABLISH A SCHEME FOR INTER-COMMUNITY 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 municipality, establish an inter-municipal 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;

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled hereby enacts as follows:

1. CITATION

This bylaw may be cited as the Town of Sidney "**Inter-Community Business Licence Bylaw No. 2167, 2019.**"

2. DEFINITIONS

In this bylaw, unless the context otherwise requires,

Business: has the meaning as defined by the "*Community Charter* 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 Municipality 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 Municipalities in accordance with this Bylaw and will be in addition to a Municipal Business Licence. "Municipal Business Licence" means a licence or permit, other than an Inter-Community 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 the following local governments that have adopted the Inter-Community Business Licence Bylaw:

City of Duncan
City of Nanaimo
City of Parksville
City of Victoria
Township of Esquimalt
District of North Cowichan
Town of Comox
Town of Ladysmith
Town of Lake Cowichan
Town of Sidney
District of Sooke

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 Municipality: means the Participating Municipality where a Business is physically located, or has a Premise, or, where the licensee does not maintain a Premise in any of the Participating Municipalities, the municipality that issues the Inter-Community Business Licence.

3. GENERAL REGULATIONS

- 3.1 Subject to Sections 3.3 and 3.5, a person who has obtained an Inter-Community Business Licence may carry on business within a Participating Municipality for the term authorized by the Inter-Community Business Licence without obtaining a Municipal Business Licence in the other Participating Municipalities.
- 3.2 A Participating Municipality 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 Municipal Business Licence issued by that Participating Municipality, and the applicant meets the requirements of this Bylaw.
- 3.3 A person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Municipality in which they are carrying on business.
- 3.4 A business that operates under an Inter-Community Business Licence in more than one Participating Municipality shall only apply for an Inter-Community Business Licence from the Participating Municipality in which they maintain a Premise.
- 3.5 Notwithstanding the issuance of an Inter Community Business Licence, every person who carries on, maintains, owns or operates, within a Participating Municipality, 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 Municipal Business Licence for each branch, office, place, premise or store. And further notwithstanding Sections 3.2, 3.3, and 3.4, the Participating Municipalities agree that where an applicant for an Inter-Community Business Licence:

- a. Does not maintain Premises in any of the Participating Municipalities, then the applicant may apply at any one of them; or
- b. Maintains a Premise in more than one of the Participating Municipalities, the applicant must apply at one of the Participating Municipalities where they maintain a Premise.

4. FEES

- 4.1 The fee for an Inter-Community Business licence is \$170 and shall be paid in full at the time of application and retained by the Participating Municipality that issues the licence.
- 4.2 The fee for an Inter-Community Business licence is separate and additional to any Municipal Business Licence fee that may be required.
- 4.3 Holders of an existing municipal business licence shall only pay an additional \$70 annually to obtain an Inter –Community business licence.
- 4.4 The annual Inter-Community Business Licence fees prescribed in this bylaw may be reduced pro-rata in respect of any person who becomes liable to be licenced after the commencement of the licence period, on the same basis as a Municipal Business Licence.

5. APPLICATION

- 5.1 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 Municipalities and including, as a minimum, the following information:
 - a. 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;
 - b. Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
 - c. Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
 - d. Disclosing the number of distinctive lines of goods sold or offered for sale;
 - e. Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Municipality may require.
- 5.2 Each Participating Municipality shall provide to all other Participating Municipalities standardized information regarding the Inter-Community Business Licences issued by way of at least weekly updates on a shared database available to all Participating Municipalities.

6. SUSPENSION OR CANCELLATION OF AN INTER-COMMUNITY BUSINESS LICENCE

- 6.1 A Council or Designated Officer or Employee of a participating municipality may exercise the authority of the Principal Municipality 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 Municipalities and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Community Business Licence in any Participating Municipalities for the period of the suspension or cancellation.

- 6.2 Before suspending or canceling an Inter-Community Business Licence under Section 6.1, the Participating Municipality must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
- a. If the licence holder wishes to exercise this right, the Participating Municipality shall communicate in writing to the licence holder and Principal Municipality 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 Municipality 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.
 - b. If the licence holder does not exercise their right to be heard, the Participating Municipality may suspend or cancel the Inter-Community Business Licence in accordance with Section 6.1.
- 6.3 Any conduct by a licence holder resulting in a hearing made under Section 6.2 (a) shall be considered by the Council of the Principal Municipality as though it happened within the jurisdiction of the Principal Municipality.
- 6.4 A decision by a Principal Municipality or Participating Municipality to cancel or suspend an Inter-Community Business Licence under Section 6.2 shall be honoured by all Participating Municipalities.
- 6.5 Nothing in this Bylaw impedes 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 class of Business Licence in accordance with Section 15 of the *Community Charter* and amendments thereto.

7. MISCELLANEOUS

- 7.1 A Participating Municipality may, by notice in writing to each of the other Participating Municipalities, withdraw from the Inter-Community Business Licence scheme established by this bylaw.
- 7.2 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 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.
- 7.3 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 Municipality.

8. SEVERABILITY

8.1 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.

Read a first time the _____ day of _____

Read a second time the _____ day of _____

Read a third time the _____ day of _____

Adopted the _____ day of _____

MAYOR

CORPORATE OFFICER

Schedule A

Excluded Businesses

The following Business types are Excluded Businesses for the purposes of application for an Inter-Community Business Licence under the Inter Community Business Licence Scheme set out in the 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 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)
- Cannabis Retailers