

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 3189

A Bylaw to establish a scheme for Inter-Community Licencing and Regulating 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 jurisdictions may, by bylaw adopted by the Council of each participating jurisdiction, 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 and providing the public with an opportunity to make representations to Council pursuant to Section 59 of the *Community Charter*,

NOW THEREFORE, the Council of the Township of Esquimalt in open meeting assembled, hereby enacts as follows:

1. CITATION

This Bylaw may be cited as the Township of Esquimalt "Inter-Community Business Licence Bylaw, 2026, No. 3189."

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires,

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

"Community Charter" means the *Community Charter*, S.B.C. 2003, c. 26.

"Excluded Business" means a Business excluded from application for an Inter-Community Business Licence and includes those businesses referred to in Schedule A of this Bylaw.

“Inter-Community Business” means a Business that performs a service or activity within more than one Participating Jurisdiction by moving from client to client rather than having clients come to them.

“Inter-Community Business Licence” means a business licence which authorizes an Inter-Community Business to be carried on within the boundaries of any or all of the Participating Jurisdictions in accordance with this Bylaw.

“Inter-Community Business Licence Agreement” means the agreement that is entered into by the Participating Jurisdictions to establish an inter-community business licence scheme.

“Jurisdiction Business Licence” means a licence or permit, other than an Inter-Community Business Licence, issued by a Participating Jurisdiction that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Jurisdiction.

“Participating Jurisdiction” means a local government that has adopted an inter-community business licence bylaw substantially in the form of this Bylaw and that has also entered into the Inter-Community Business Licence Agreement.

“Person” has the meaning given to it in the *Interpretation Act*, R.S.B.C. 1996, c. 238.

“Perpetual Business Licence” means a business licence that does not have an expiration date and where the licensee can continue service indefinitely.

“Premises” means a fixed or permanent location where the Person carries on a Business but does not include PO boxes or storage units.

“Principal Jurisdiction” means the Participating Jurisdiction that issues the Inter-Community Business Licence.

3. REGULATIONS

- a) Subject to Subsections (c) and (e), a Person who has obtained an Inter-Community Business Licence may carry on Business within any Participating Jurisdiction for the term authorized by the Inter-Community Business Licence without obtaining a Jurisdiction Business Licence in the other Participating Jurisdictions.
- b) A Participating Jurisdiction may issue an Inter-Community Business Licence to an applicant if the applicant’s Business:
 - is an Inter-Community Business;
 - is not an Excluded Business;
 - maintains a Premises in the Participating Jurisdiction; and

- meets all requirements under this Bylaw and the Jurisdiction Business Licence of the Participating Jurisdiction.
- c) A Person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Jurisdiction in which they are carrying on Business.
- d) A Person that operates a Business under an Inter-Community Business Licence in more than one Participating Jurisdiction may only apply for an Inter-Community Business Licence from a Participating Jurisdiction in which the Business maintains a premises.
- e) Notwithstanding the issuance of an Inter-Community Business Licence, every Person who carries on, maintains, owns or operates, within a Participating Jurisdiction, any Business in or from more than one Premises shall obtain a separate Jurisdiction Business Licence for each premises.
- f) Further notwithstanding Subsections (b), (c), and (d), if an applicant's Business does not maintain a Premises in a Participating Jurisdiction, then the applicant may apply for an Inter-Community Business Licence from the closest Participating Jurisdiction that does not issue Perpetual Business Licences, and that Participating Jurisdiction may issue an Inter-Community Business Licence in relation to that Business in accordance with this Bylaw.
- g) If a Business with a Premises within the Principal Jurisdiction that issued its Inter-Community Business Licence closes or otherwise removes all its Premises within the Principal Jurisdiction, then the Inter-Community Business Licence for that Business will be cancelled.

4. FEES

- a) The fee for an Inter-Community Business Licence is \$170 and will be retained by the Participating Jurisdiction that issues the licence.
- b) The fee for an Inter-Community Business Licence is separate and in addition to any fees that may be required by a Participating Jurisdiction.
- c) A non-profit organization may obtain an Inter-Community Businesses and will not be subject to the Inter-Community Business Licence fee but is responsible for meeting all other requirements of this Bylaw.
- d) The Inter-Community Business Licence fees prescribed in this Bylaw may be reduced pro rata in respect of any Person who becomes liable to be licensed after the commencement of the licence period, on the same basis as the Jurisdiction Business Licence.

5. 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 Jurisdictions, and including, as a minimum, the following information:
 - Disclosing the nature and character of the Business, to be carried on, maintained, owned or operated by the applicant;
 - Declaring the mailing address and contact information for such Business;
 - Declaring the number of persons engaged or occupied in such Business; and
 - Disclosing the number of distinctive lines of goods sold or offered for sale.
- b) No Business shall knowingly submit false or misleading information in relation to the business, business activity or business location on the application for an Inter-Community Business Licence.
- c) Each Participating Jurisdiction shall provide to all other Participating Jurisdictions the information set out under Subsection 5(a) by way of prompt updates on a shared database available to all Participating Jurisdictions.

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

- a) The Council of a Participating Jurisdiction or the person authorized by a Participating Jurisdiction to cancel or suspend a Jurisdiction Business Licence may exercise the authority of the Principal Jurisdiction 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 the Participating Jurisdictions, and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Community Business Licence in any Participating Jurisdictions for the period of the suspension or cancellation.
- b) Before suspending or cancelling an Inter-Community Business Licence under Section 6(a), the Participating Jurisdiction must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard, and the following provisions will apply:
 - i. If the licence holder wishes to exercise its right to be heard, the Participating Jurisdiction shall provide to the licence holder and the Principal Jurisdiction that issued the Inter-Community Business Licence with written reasons for the suspension or cancellation of the Inter-Community Business Licence. Such Participating Jurisdiction shall then, as soon thereafter as reasonably possible, provide the licence holder an opportunity to address the Council of the Participating Jurisdiction who will then consider whether to suspend or cancel the Inter-Community Business Licence; and

- ii. If the licence holder does not exercise their right to be heard, the Participating Jurisdiction 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 Participating Jurisdiction as though it happened within the jurisdiction of that Participating Jurisdiction.
- d) A decision by a Participating Jurisdiction to cancel or suspend an Inter-Community Business Licence under Section 6(b) shall apply to all Participating Jurisdictions.
- e) Nothing in this Bylaw impedes the authority of a Participating Jurisdiction to suspend or cancel any business licence issued by it, 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

- a) The holder of an Inter-Community Business Licence must, upon request, provide to a Bylaw Enforcement Officer a copy of their Inter-Community Business Licence, which copy may be displayed electronically such as on a cell phone, for the purpose of verifying if the Business is permitted to operate outside of their base jurisdiction.
- b) A Participating Jurisdiction may, by notice in writing to each of the other Participating Jurisdictions, withdraw from the Inter-Community Business Licence scheme established by this Bylaw, and the notice must:
 - i. Set out the date on which the withdrawing Participating Jurisdiction will no longer recognize the validity within its boundaries of Inter-Community Business Licences, which date must be at least six months from the date of the notice; and
 - ii. Include a certified copy of the Participating Jurisdiction's Council resolution or bylaw authorizing the Participating Jurisdiction's withdrawal from the Inter-Community Business Licence scheme.
- c) 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 Participating Jurisdiction or until January 1st of the following year.

8. 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.

9. EFFECTIVE DATE

10.

This Bylaw shall come into full force and effect on the day of adoption

11. REPEAL

The Township of Esquimalt "Inter Community Business Licence Bylaw 2018, No. 2934 is hereby repealed.

READ a first time by the Municipal Council on the XXXX day of XXXX, 2026.

READ a second time by the Municipal Council on the XXXX day of XXXX, 2026.

READ a third time by the Municipal Council on the XXXX day of XXXX, 2026.

ADOPTED by the Municipal Council on the XXXX day of XXXX 2026.

BARBARA DESJARDINS
MAYOR

DEBRA HOPKINS
CORPORATE OFFICER

SCHEDULE A

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:

1. Social escort services
2. Special Authorization Licence (a passenger directed vehicle or inter-city bus, such as taxis, ride-hailing, limousines)
3. 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)
4. Cannabis-related businesses (e.g., a business which involves the sale of cannabis)
5. Mobile food vending (e.g., food cart, food trailer, food truck)
6. Door-to-door sales (e.g., a direct selling method where a representative visits potential customers at their homes or businesses to sell products or services, without a prior appointment)