

City of Chilliwack

Bylaw No. 4794

A bylaw to enter into an “Intermunicipal Transportation Network Services Business Licence Scheme Bylaw 2020, No. 4794”

WHEREAS the municipalities that have entered or will enter into the *Intermunicipal TNS Business Licence Agreement* (the “*Participating Municipalities*”) wish to permit licensed transportation network services (“*TNS*”) businesses to operate across their jurisdictional boundaries thereby eliminating the need to obtain a separate municipal business licence in each jurisdiction;

AND WHEREAS each of the *Participating Municipalities* has or will adopt a similar bylaw to implement the *Intermunicipal TNS Business Licence* scheme;

NOW THEREFORE the Council of the City of Chilliwack, in public meeting, enacts as follows:

1. This bylaw may be cited as “**Intermunicipal Transportation Network Services Business Licence Scheme Bylaw 2020, No. 4794**”.
2. There is hereby established an *Intermunicipal TNS Business Licence* scheme among the *Participating Municipalities*, pursuant to Section 14 of the *Community Charter* and Section 192.1 of the *Vancouver Charter*.
3. In this Bylaw:
 - “*Accessible Vehicle*” means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids;
 - “*Business*” has the same meaning as in the *Community Charter*;
 - “*Community Charter*” means the *Community Charter*, S.B.C. 2003, c. 26, as may be amended or replaced from time to time;
 - “*Intermunicipal TNS Business*” means a *TNS Business* that has been licensed to operate in the Region 1 operating area by the Passenger Transportation Board;
 - “*Intermunicipal TNS Business Licence*” means a business licence which authorizes an *Intermunicipal TNS Business* to be carried on within the jurisdictional boundaries of any or all of the *Participating Municipalities*;
 - “*Mobility Aid*” has the same meaning as in the *Passenger Transportation Act*, S.B.C. 2004, c. 39. as may be amended or replaced from time to time;

“*Municipal Business Licence*” means a licence or permit, other than an *Intermunicipal TNS 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 any one of the *Participating Municipalities*;

“*Premises*” means one or more fixed or permanent locations where the *TNS Business* ordinarily carries on *Business*;

“*TNS Business*” means a person carrying on the business of providing *Transportation Network Services*;

“*Transportation Network Services*” has the same meaning as in the *Passenger Transportation Act*, S.B.C 2004, c. 39, as may be amended or replaced from time to time;

“*Vancouver Charter*” means the *Vancouver Charter*, S.B.C. 1953, c. 55, as may be amended or replaced from time to time; and

“*Zero Emission Vehicle*” means a motor vehicle that is exclusively propelled by electricity or hydrogen from an external source.

4. Subject to the provisions of this Bylaw, each *Participating Municipality* will permit a *TNS Business* that has obtained an *Intermunicipal TNS Business Licence* to carry on the *Business* of providing *Transportation Network Services* within that *Participating Municipality* for the term authorized by the *Intermunicipal TNS Business Licence* without obtaining a *Municipal Business Licence* for the *TNS Business* in that *Participating Municipality*.
5. All *Intermunicipal TNS Business Licences* will be issued by the City of Vancouver.
6. The City of Vancouver may issue an *Intermunicipal TNS Business Licence* to a *TNS Business* if the *TNS Business* is an *Intermunicipal TNS Business* and meets the requirements of this Bylaw, in addition to the requirements of the City of Vancouver’s License Bylaw No. 4450.
7. Notwithstanding that a *TNS Business* may hold an *Intermunicipal TNS Business Licence* that would make it unnecessary to obtain a *Municipal Business Licence* for the *TNS Business* in the *Participating Municipalities*, the *TNS Business* must still comply with all orders and regulations under any municipal business licence bylaw in addition to those under any other bylaws, regulations, or provincial or federal laws that may apply within any jurisdiction in which the *TNS Business* carries on *Business*.
8. Any *Participating Municipality* may require that the holder of an *Intermunicipal TNS Business Licence* also obtain a *Municipal Business Licence* for any *Premises* that are maintained by the licence holder within the jurisdiction of the *Participating Municipality*.

9. The annual *Intermunicipal TNS Business Licence* fee is \$155, plus \$150 for each vehicle operating under the authority of the *Intermunicipal TNS Business*, except that the per vehicle fee for *Zero Emission Vehicles* will be \$30, and there will be no per vehicle fee charged for *Accessible Vehicles*. Any fees paid by an applicant to any *Participating Municipality* for a *Municipal Business Licence* for the *TNS Business* prior to the availability of the *Intermunicipal TNS Business Licence* that are not refunded by that *Participating Municipality* will be credited against the initial *Intermunicipal TNS Business Licence* fee owing under this Section 9.
10. The fee for any additional vehicles that begin operating under the authority of an *Intermunicipal TNS Business License* holder after the annual license fee is paid will be the per vehicle fee set out in Section 9, pro-rated by dividing the applicable annual per vehicle fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
11. The length of term of an *Intermunicipal TNS Business Licence* is 12 months, except that the length of term of the initial *Inter-municipal TNS Business Licence* issued to an *Inter-municipal TNS Business* by the City of Vancouver may be less than 12 months in order to harmonize the expiry date of the *Intermunicipal TNS Business Licence* with the calendar year, in which case the annual fee will be pro-rated by dividing the applicable annual license fee by 12 and multiplying the resulting number by the number of months remaining in that calendar year, including any partial months which will be counted as whole months.
12. An *Inter-municipal TNS Business Licence* will be valid within the jurisdictional boundaries of all of the *Participating Municipalities* until its term expires, unless the *Inter-municipal TNS Business Licence* is suspended or cancelled. If a *Participating Municipality* withdraws from the *Intermunicipal TNS Business Licence* scheme among the *Participating Municipalities* in accordance with this Bylaw, then the *Intermunicipal TNS Business Licence* will cease to be valid within the jurisdictional boundary of that former *Participating Municipality*.
13. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and suspend an *Intermunicipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to suspend a business licence under the *Community Charter* or *Vancouver Charter* or under the business licence bylaw of the *Participating Municipality*. The suspension will be in effect throughout all of the *Participating Municipalities* and it will be unlawful for the holder to carry on the *Business* authorized by the *Intermunicipal TNS Business Licence* in any *Participating Municipality* for the period of the suspension.
14. A *Participating Municipality* may exercise the authority of the City of Vancouver as the issuing municipality and cancel an *Intermunicipal TNS Business Licence* in relation to conduct by the holder within the *Participating Municipality* which would give rise to the power to cancel a business licence under the *Community Charter* or *Vancouver Charter* or the business licence bylaw of the *Participating Municipality*. The cancellation will be in effect throughout all of the *Participating Municipalities*.

15. The suspension or cancellation of an *Intermunicipal TNS Business Licence* under Sections 13 or 14 will not affect the authority of a *Participating Municipality* to issue a *Municipal Business Licence*, other than an *Intermunicipal TNS Business Licence*, to the holder of the suspended or cancelled *Intermunicipal TNS Business Licence*.
16. Nothing in this Bylaw affects the authority of a *Participating Municipality* to suspend or cancel any *Municipal Business Licence* issued by that municipality or to enact regulations in respect of any category of *Business* under Section 15 of the *Community Charter* or Sections 272, 273, 279A, 279A.1, 279B, and 279C of the *Vancouver Charter*.
17. A *Participating Municipality* may, by notice in writing to each of the other *Participating Municipalities*, withdraw from the *Intermunicipal TNS Business Licence* scheme among the *Participating Municipalities*, and the notice must:
 - (a) set out the date on which the withdrawing municipality will no longer recognize the validity within its boundaries of *Intermunicipal TNS Business Licences*, which date must be at least 6 months from the date of the notice; and,
 - (b) include a certified copy of the municipal Council resolution or bylaw authorizing the municipality’s withdrawal from the *Intermunicipal TNS Business Licence* scheme.
18. 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.
19. Despite any other provision of this Bylaw, an *Intermunicipal TNS Business Licence* granted in accordance with this Bylaw does not grant the holder a licence to operate in any jurisdiction other than within the jurisdictional boundaries of the *Participating Municipalities*.
20. A business licence granted under any other inter-municipal *TNS Business* licence scheme is deemed not to exist for the purposes of this Bylaw, even if a *Participating Municipality* is a participating member of the other intermunicipal *TNS Business* licence scheme.

Received first and second reading on the 17th day of March, 2020.

Received third reading on the 17th day of March, 2020.

Notice given in accordance with Section 59(2) of the *Community Charter* on the 20th day and on the 27th day of March, 2020.

Received adoption on the 7th day of April, 2020.

“Ken Popove”

Mayor

“Jacqueline Morgan”

Corporate Officer