



# VILLAGE OF SILVERTON

## AGENDA

REGULAR MEETING OF COUNCIL TO BE HELD

January 12, 2022

MEMORIAL HALL – 203 LAKE AVE. & ONLINE

7:00 PM

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A. CALL TO ORDER

B. THE VILLAGE OF SILVERTON ACKNOWLEDGES THE INDIGENOUS PEOPLES ON WHOSE TRADITIONAL TERRITORIES WE STAND

C. ADDITION OF LATE ITEMS IF ANY

D. ADOPTION OF THE AGENDA

E. ADOPTION OF THE MINUTES

1. Minutes of Regular Council Meeting December 8, 2021

F. DELEGATIONS AND PETITIONS

1. Cpl. Thomas Gill, Nakusp/Slocan Lake RCMP
2. Chris Johnson, Manager of Community Sustainability RE: Emergency Management

## **G. UNFINISHED BUSINESS/BUSINESS ARISING**

1. WildSafe Program 2022 RE: Continuing Participation and Funding request

### **Recommendation:**

That the Village of Silverton Council participate in the WildSafe Program 2022;  
AND

FURTHER that the Village of Silverton Council approves a contribution of  
\$1,000 for their portion of the joint WildSafe program for 2022; AND

FURTHER that the Village of Silverton provide some In-Kind office support with  
photocopying/printing/laminating or other administrative/office support when  
possible.

## **H. NEW BUSINESS**

1. SLSS Letter to Honourable Katrine Conroy

### **Recommendation:**

That Village of Silverton Council support in principle the letter written by Slocan  
Lake Stewardship Society to the Honourable Katrine Conroy; AND

FURTHER that Silverton Council requests staff to follow up with Minister  
Conroy regarding logging with the Silverton Creek Watershed as supported by the  
Silverton Watersheds Policy Statement.

### **Recommendation:**

That the Village of Silverton Council request the Slocan Lake Stewardship  
Society appear as a delegation to present information regarding the letter written  
to Honourable Katrine Conroy RE: logging in the Silverton Creek Watershed.

## **I. CORRESPONDENCE FOR INFORMATION**

None at this time.

## **J. COUNCIL REPORTS**

### **1. Mayor Colin Ferguson**

- Recreation Commission No. 6

### **2. Councillor Clarence denBok**

- Slocan Lake Arts Council Liaison
- Recreation Commission No. 6 Alternate

### **3. Councillor Leah Main**

- RDCK Director for the Village of Silverton
- West Kootenay Boundary Regional Hospital Board
- Rosebery Parklands and Trails Commission
- Winlaw Regional and Nature Park Commission
- Slocan Valley Economic Development Commission
- FCM Board
- CBBC Liaison
- RDI Climate Adaptation project Team
- Health Committee Alternate – Slocan District Chamber of Commerce
- Ktunaxa Kinbasket Treaty Advisory Committee (TAC) Alternate

### **4. Councillor Arlene Yofonoff**

- Slocan District Chamber of Commerce
- Composting Project Liaison (Healthy Community Society of the North S.V.)
- RDI Climate Adaptation project Team, Alternate

## **K. ADMINISTRATION REPORTS**

1. CAO Report – none at this time

## **L. BYLAWS AND POLICY**

1. Grant-In-Aid Policy A – 5 2022

### **Recommendation:**

That the Village of Silverton Council adopt Policy No. A - 5 2022 as presented.

2. Inter-Community Business Licence Bylaw No. 526 – 2022

**Recommendation:**

That Village of Silverton Council reconsider and finally adopt Inter-Community Business Licence Bylaw No. 526 – 2022.

**M. PUBLIC INPUT PERIOD**

Terms of reference as per the Procedure Bylaw includes:

- The maximum time allotted is two (2) minutes.
- The Public Input is for items on the Council Agenda only.
- The Public Input Period provides an opportunity for public input only, without expectation of response from Council.

**N. IN CAMERA MEETING:** there will be an In-Camera Meeting at this time. This meeting will be closed to the public in accordance with Sections 90 – 1 (a) municipal appointments, (c) employee relations.

The Regular Meeting recessed at \_\_\_\_\_pm in order to conduct the Closed Meeting.

The Regular Meeting reconvened at \_\_\_\_\_pm

**O. ITEMS BROUGHT FORWARD FROM IN CAMERA**

**P. ADJOURNMENT**

**MINUTES OF THE REGULAR COUNCIL MEETING HELD AT  
MEMORIAL HALL & ONLINE, WEDNESDAY DECEMBER 8, 2021 AT  
7:00PM**

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**PRESENT:** Mayor C. Ferguson, Councillors C. denBok, L. Main, A. Yofonoff

**ABSENT:**

**STAFF:** H. Elliott, Chief Administrative Officer

**A. CALL TO ORDER**

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Mayor Colin Ferguson Called the Meeting to Order at 7:01 pm.

**B. THE VILLAGE OF SILVERTON ACKNOWLEDGES THE INDIGENOUS  
PEOPLES ON WHOSE TRADITIONAL TERRITORIES WE STAND**

**C. ADDITION OF LATE ITEMS IF ANY**

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**D. ADOPTION OF THE AGENDA**

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131/2021 - **Moved, seconded** that the Agenda be adopted as presented.

CARRIED

**E. ADOPTION OF THE MINUTES**

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132/2021 – **Moved, seconded** That the Regular Council Meeting Minutes November 10, Special Meeting Minutes November 24, 2021 be accepted as presented.

CARRIED

# **DECEMBER 8, 2021 MINUTES OF THE REGULAR COUNCIL MEETING**

## **F. DELEGATIONS AND PETITIONS**

Sarah-Patricia Breen, PhD, Regional Innovation Chair in Rural Economic Development presented the recreational asset inventory project completed as part of a 3-phase project funded by the provincial government.

Unfortunately, Cpl. Thomas Gill, Nakusp/Slocan Lake RCMP was detained due to his duties and was unable to attend. He is rescheduled for the next Regular Council meeting.

The Wild Connection presented their information for discussion.

## **G. UNFINISHED BUSINESS/BUSINESS ARISING**

### **G1. SILVERTON BY ELECTION TENTATIVE DATE APRIL 16<sup>TH</sup>, 2022**

**133/2021 – Moved, seconded** That the Village of Silverton Council approve staff planning for the Silverton By Election to be in April 2022.

CARRIED

### **G3. SIGNING AUTHORITY**

**134/2021 – Moved, seconded** Be it resolved that Silverton Village Council provide authorization of Administrative Assistant Katrina Volk to have signing authority at KSCU for the Village of Silverton; AND

FURTHER that the name of Tanya Gordon be removed.

CARRIED

## **H. NEW BUSINESS**

### **H1. RDCK AND COUNCIL APPOINTMENTS 2022**

**135/2021 – Moved, seconded** That Village of Silverton Council approves the following appoints as delegated during the December 8, 2022 meeting on item H 1.

CARRIED

# **DECEMBER 8, 2021 MINUTES OF THE REGULAR COUNCIL MEETING**

## **H2. COUNCIL 2022 MEETING SCHEDULE**

**136/2021 - Moved, seconded** That the Village of Silverton Council approves the following schedule of Regular Council meetings for 2022:

### 2022 Regular Council Meeting Schedule

Wednesday January 12, 2022	Wednesday July 13, 2022
Wednesday February 9, 2022	Wednesday August 10, 2022
Wednesday March 9, 2022	Wednesday September 14, 2022
Wednesday April 13, 2022	Wednesday October 12, 2022
Wednesday May 11, 2022	Wednesday November 9, 2022
Wednesday June 8, 2022	Wednesday December 14, 2022

CARRIED

## **I. CORRESPONDENCE FOR INFORMATION**

Direction to staff to place on the next Regular Council agenda and to contact INTERFOR to request an extension for commenting on the FSP.

## **J. COUNCIL REPORTS**

Direction to staff to invite Tim Ryan to the next COTW.

## **K. ADMINISTRATION REPORTS**

Received for information.

## DECEMBER 8, 2021 MINUTES OF THE REGULAR COUNCIL MEETING

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### L. BYLAWS AND POLICY

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**137/2021 - Moved, seconded** That Village of Silverton Council give Inter-Community Business Licence Bylaw No. XXX – 2022 First Reading.

CARRIED

**138/2021 - Moved, seconded** That Village of Silverton Council give Inter-Community Business Licence Bylaw No. XXX – 2022 Second Reading.

CARRIED

**139/2021 - Moved, seconded** That Village of Silverton Council give Inter-Community Business Licence Bylaw No. XXX – 2022 Third Reading.

CARRIED

**140/2021 - Moved, seconded** That the Village of Silverton Council direct staff to post notice of intention to adopt, in accordance to the *Community Charter*, section 59(2).

CARRIED

### M. PUBLIC INPUT PERIOD

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Mr. Boughton thanked Council for not taking a position for or against Zincton. Mr. Boughton requested information regarding when election papers would be ready. Mr. Boughton asked about Item F1 and why was the information not available to the public and asked about Item I2.

The Press commented on the technology used for the Council meeting.

### N. IN CAMERA MEETING:

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The Regular Meeting recessed at 8:52 pm in order to conduct the Closed Meeting.

The Regular Meeting reconvened at 9:16 pm.



## **DECEMBER 8, 2021 MINUTES OF THE REGULAR COUNCIL MEETING**

### **O. ITEMS BROUGHT FORWARD FROM IN CAMERA**

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1. That Silverton Council cancels the Council meeting on December 29<sup>th</sup>.
2. That Silverton Council approves the holiday Village Office closure dates.
3. That Silverton Council appoints Peter Yakachuk as the Silverton Community Member appointment to Recreation Commission #6 and that the Regional District of Central Kootenay be notified of the appointment as the local government providing that service.

### **P. ADJOURNMENT**

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**141/2021 – Moved that Council adjourn at 9:15pm.**

CERTIFIED CORRECT:

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**Mayor C. Ferguson**

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**Chief Administrative Officer**



H1

**VILLAGE OF SILVERTON**  
**2022 Council Appointments**

	<b>Appointment</b>	<b>Alternate</b>
<b>RDCK Director</b>	Councillor L. Main	Mayor Ferguson
<b>Slocan District Chamber of Commerce</b>	Mayor Ferguson	Councillor A. Yofonoff
<b>Municipal Emergency Management</b>	Mayor Ferguson	Councillor L. Main
<b>Board of Variance</b>	Vacant	Vacant
<b>West Kootenay Boundary Regional Hospital Board (RDCK Director)</b>	Councillor L. Main	Mayor Ferguson
<b>Slocan Valley Economic Development Commission (RDCK Director and one community member)</b>	Councillor L. Main	Barbara Fuhrer
<b>Recreation Commission No. 6 (RDCK Requires one Council appointment and one community member and alternate)</b>	Mayor Ferguson	Councillor C. denBok Community member: Peter Yakachuk
<b>Rosebery Parklands and Trails Commission (RDCK Director and one community member)</b>	Councillor L. Main	Hank Hastings
<b>Winlaw Regional and Nature Park Commission (RDCK director)</b>	Councillor L. Main	Mayor Ferguson
<b>Slocan District CoC- Health Committee</b>	Mayor Ferguson	
<b>Ktunaxa Kinbasket Treaty Advisory Committee (TAC)</b>	Councillor L. Main	Mayor Ferguson
<b>CBBC Liaison</b>	Mayor Ferguson	Councillor L. Main

**2022 ACTING MAYOR SCHEDULE**

Councillor L. Main	JAN, FEB, MAR (2022)
Councillor A. Yofonoff	APRIL, MAY, JUNE (2022)
Councillor L. Main	JULY, AUG, SEPT (2022)
Councillor A. Yofonoff	OCT, NOV, DEC (2022)

December 10, 2021

Hon. Katrine Conroy  
Minister of Forests, Lands, Natural Resource Operation & Rural Development  
MLA Kootenay West  
[FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca) , [katrine.conroy.MLA@leg.bc.ca](mailto:katrine.conroy.MLA@leg.bc.ca)

Ms. Tara DeCourcy, RPF  
District Manager Selkirk Resource District  
[Tara.DeCourcy@gov.bc.ca](mailto:Tara.DeCourcy@gov.bc.ca)

**Subject: Silverton and Enterprise Creek Logging**

Dear Minister Conroy and Ms. DeCourcy,

The Slocan Lake Stewardship Society (SLSS) is a non-profit organization dedicated to sustaining the ecological integrity of the Slocan Lake watershed through applied scientific research, education and advocacy. Until an assessment of damage caused by multiple fires and previous timber harvesting can be evaluated, SLSS requests that old growth logging and unsustainable logging practices be immediately halted in two heavily damaged Slocan Lake watersheds, Silverton Creek and Enterprise Creek. In addition, the remaining old growth needs to be updated, remapped and a prescription for future land and resource use be developed.

In recent years, the Silverton Creek basin and subalpine wetlands have suffered significant ecosystem losses from multiple wildfires: Silverton & Fennel Creek fires in 2014; Blacktail Fire in Silverton Ck. 2018. Last summer SLSS volunteers observed multiple areas of logging road damage caused by mudslides below the fire damaged areas and cutblocks throughout Silverton Creek watershed. Silverton Creek is the most important bull trout spawning stream draining into Slocan Lake. Bull trout are a BC blue listed species. The aquifer for the Village of Silverton's water supply depends on the health of Silverton Creek. Fires occurred in Enterprise Creek in 2007, Springer Ck to Enterprise Ck in 2014 and the Mt. Ruppel fires of 2021 that burned down to the Enterprise Creek valley bottom. After the 2014 fire on Enterprise Creek, a mudslide occurred that closed Highway 6. These areas remain at future risk of slides and flooding damage.

SLSS has received documented evidence (re: photos and ring-counting) of old growth logging in the severely damaged watersheds of Silverton and Enterprise Creeks. The old growth maps provided to SLSS by the logging industry this year are inaccurate. They include the old growth stocks that burned in 2018 and they do not include old growth in the low elevation ecosystems. The Sept. 2020 Provincial Old Growth Report: *A New future for Old Forests*, pg.31 recognizes this low elevation old growth as the most important asset in British Columbia in need of protection. These major drainages into Slocan Lake must be removed from the planned timber harvests until old and mature growth can be remapped and be listed as protected areas as outlined in the Provincial Old Growth report.

Climate Change is making the conservation and management of water one of our highest priorities. As you are aware, trees, especially old growth, are reservoirs for water and

nutrients which then allows the slow recharge of the water table (vs having rain and snow run off quickly in fire damaged areas and clear cuts). Forest fires, logging and the accompanying road building decreases water retention and leads to mud slides, avalanches and major erosion into waterways, all too evident in the recent disasters on the coast of B.C. and Merritt.

Prior to the commencement of any future logging, both Silverton and Enterprise creek watersheds need to be evaluated for severity of existing damage and the risk of future damage, including flooding and slides. SLSS also requests that the remaining old growth be remapped and protected as recommended in the Provincial Old Growth Report. Equally important, we recommend that this revision include full hydrogeological evaluations of each watershed to be conducted by independent and qualified hydrologists. We can no longer afford to separate the impact of logging on our water resources and continue to treat them as unrelated climate change issues.

Thank you for your prompt attention to this serious situation that has the potential to further damage the Enterprise Creek watershed, the Silverton Creek watershed, and thus the Village of Silverton's water supply. These areas remain at high risk for slides and flooding damage. Should you require further information, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dr. Decker Butzner".

Dr. Decker Butzner  
Director, SLSS

A handwritten signature in blue ink, appearing to read "Sally Hammond".

Sally Hammond  
Vice President, SLSS

A handwritten signature in black ink, appearing to read "Wendy King".

Wendy King,  
President, SLSS

CC: Colin Ferguson, Mayor Silverton  
Walter Popoff, Director, RDCK Area H  
Cailyn Glasser, ONA Natural Resource Manager

RESOLVED THAT, with respect to planned logging operations and other resource development in the Village of Silverton Watersheds, the following policy statement is hereby adopted:

**The Council of the Village of Silverton:**

As the purveyor of water for its residents and citizens, is committed to ensuring a continued supply of potable water to the community;

Will not support any logging plan or other resource development plan that will in any way endanger or pose a threat to the quality of the Village's water supply, including any standby or back-up water system;

Supports the philosophy that humanity may survive without wood fibre, nothing survives without water;

Appreciating the community's dependence on the forest, the first goal is to ensure the protection and maintenance of the full biological diversity of the forest;

Supports the principle that forest use plans must be based on Ecological Responsibility and Balanced Use;

Supports and endorses ecosystem based plan whereby forest management decisions must consider all values present in the forest;

Recognizing that the logging industry is vital to the economic viability of the province as well as to the Slokan Valley, is not opposed to timber harvesting, however, resource development and watershed management issues should be clearly defined and issues resolved *before* harvesting plans are initiated;

Will hold responsible, the provincial government and its respective ministries, and/or any other body should their logging practices or other resource development practices lead to any deterioration of the Village water supply, or degradation within the Village watershed;

Will require suitable and adequate safeguards, both financially and legally to protect and compensate where necessary, the Village from any liability as a result of any action or damage caused by any logging or other resource development in the Village watershed;

This is a Statement of Policy by the Council of the Village of Silverton with respect to proposed or planned logging operations or any other resource development in the Village Watershed.

Adopted November 2015



## Village of Silverton Policy Manual

**Category: Administration**

**Policy Title: Grant-In-Aid**

**Policy Number: A - 5 2022**

**Effective Date: January 1, 2022**

**Resolution No.:** \_\_\_\_\_

**Revision: Replaces A - 5 2021 Grant In Aid Policy and all previous years**

It is Council's intent to financially assist non-profit organizations which render a service to the Village of Silverton.

In the majority of cases, it is anticipated that financial assistance will only be required to be given by the Village for a limited period of time, subject to annual review.

**For Grants-in-Aid that Council wishes to allocate annually**, Council has prepared the following list which is subject to an annual review prior to adopting the budget. The Organizations listed below will receive the amounts indicated.

Annually	Organization	Amount of Grant	Purpose
2022	Chamber of Commerce	\$24 per full year business license	
2022	Community Club	\$500	July 1 <sup>st</sup> celebration
2022	Other	\$500	Variable
2022	Royal Canadian Legion	\$50	Remembrance Day
2022	Slocan Lake Arts Council	\$5,000	Operations

1. **APPLICATIONS FROM OTHER NON-PROFITS and Youth** will be judged on the following criteria.

- has been operating no less than 6 months in the Village of Silverton;
- is based in the community;
- has membership within the Village or surrounding Region;
- has a majority of its members as voting members, and;
- the organization is in good standing with its licensing authority.

### TIMING

**Requests for a Municipal grant must be submitted to the Chief Administrative Officer by the 15<sup>th</sup> day of September, in the year prior to the year the grant is requested.** This will allow Council to determine budgeting requirements.

2. **ADMINISTRATIVE PROCEDURES**

- (a) the total of all grants authorized in any one year shall not exceed the approved budgetary provisions;
- (b) all requests for a grant shall indicate the amount requested, an explanation of how the grant funds will be utilized and, should the grant request exceed \$200.00, a current operating budget and financial statement of the prior year shall be submitted;
- (c) ratification of grants-in-aid shall receive at least two thirds approval of all members of Council;
- (d) all applicants for a grant shall be notified of the disposition of their requests.

3. **EXAMPLES OF PROJECTS TO BE CONSIDERED FOR A GRANT**

Organizations that will be considered for a grant must qualify under Sec. 182 of the Local Government Act (must not be a business) and shall comply with the following criteria.

- (a) be of a registered non-profit nature, or registered charitable organization or;
- (b) be a youth group, school or other non-business nature that;
- (c) is deemed by Council to be a benefit to the whole community;
- (d) provides a worthwhile service or facility to the Silverton community and does not duplicate or compete with existing services;
- (e) that can demonstrate fund handling competency;

4. **CLASSIFICATION OF GRANTS**

- (a) all grants-in-aid will be governed by the following guidelines:
  - (i) no consideration should be given to requests submitted by organizations receiving assistance from the United Way;
  - (ii) no consideration shall be given to requests submitted by a non-Silverton not-for-profit, or non-Silverton groups.



Village of Silvertown  
**APPLICATION FOR GRANT-IN-AID**

1. Date \_\_\_\_\_
2. Name of Group \_\_\_\_\_
3. Mailing address \_\_\_\_\_
4. Date Organization established in Silvertown \_\_\_\_\_  
Registration Number of Non-Profit or Registered Charity \_\_\_\_\_
5. President's Name, address, and phone number:  
\_\_\_\_\_
5. Secretaries Name, address, and phone number:  
\_\_\_\_\_
6. Attach a List of the Board of Directors.
7. Name, address, and phone number of the contact person:  
\_\_\_\_\_
8. Attach a statement of the Organization's Objective.
9. Attach an outline of the Services or Programs provided by the organization.
10. Explain the purpose to which the Grant Funds will be expended.  
\_\_\_\_\_  
\_\_\_\_\_
11. List of the Municipal Facilities to be used and the duration of use.  
\_\_\_\_\_  
\_\_\_\_\_
12. Budget: \$ \_\_\_\_\_ Grant amount requested \$ \_\_\_\_\_
13. Attach a statement as to how the community will benefit.
14. Attach a list of the other sources of potential income or services already solicited, amounts requested and amounts granted.
15. Specify the amount of personal funding being used; i.e. bottle drives, raffles
16. Attach a statement of revenue and expenses.
17. The amount required to accomplish your objective: \$ \_\_\_\_\_
18. Attach a statement outlining the community support for your objective.
19. Attach a certification that the information provided is accurate and complete, is endorsed by your organization, and that you agree to the following conditions:



**20. CONDITIONS**

- (a) In the event that the funds are not used for the project or programs as described in the application, or if there are misrepresentations in the application, the full amount of the financial assistance may be payable forthwith to the Village of Silverton;
- (b) If there are any changes in the funding of the project from that contemplated in the application, the Village of Silverton will be notified of such changes through the Treasurer's Department;
- (c) The Organization will make or continue to make attempts to secure funding from other sources;
- (d) The Organization will keep proper books of accounts of all receipts and expenditures relating to the project or program;
- (e) The Organization will make available for inspection by the Village or its auditors all records and books of accounts of the Organization upon request from the Village. An audited statement may be required;
- (f) If the Project or Program proposed in the application is not commenced, or it is not completed, and there remain municipal funds on hand, or is completed without requiring the full use of the grant, or where Council directs that the funds be returned, such funds will be returned to the Village through the Treasurer's Department;
- (g) The Project or Program may not be represented as a Municipal Project or Program, and the Organization does not have the authority to hold itself out as an agency of the Village in any way, the only relationship being that the Municipality has approved and granted financial assistance to the Organization.

**ATTACH THE FOLLOWING TO YOUR SUBMISSION**

- 1. If required, a Copy of your most recent financial statements
- 2. Copy of your detailed budget for the current year
- 3. Copy of your Organization's constitution and bylaws
- 4. Any other information which would assist in the evaluation of the request
- 5. Forward the package to the Village of Silverton at 421 Lake Avenue, Silverton, B.C. V0G 1S0, or drop it off at 421 Lake Ave.

- Approved or denied by Council Resolution # \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF SILVERTON

BYLAW NO. 526 – 2022

INTER-COMMUNITY BUSINESS 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 government, 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 of its intention to adopt this bylaw by publishing such notice in two consecutive issues of a newspaper, the last publication appearing not less than three (3) and not more than ten (10) days before the hearing and has provided an opportunity for persons who consider they are affected by this bylaw to make representations to Council at a hearing pursuant to Section 59 of the *Community Charter*;

**AND WHEREAS** the Council of the Village of Silverton has adopted Bylaw 513 - 2019 and amendments for that purpose, and now deems it necessary to repeal that bylaw and replace it;

**NOW THEREFORE** the Council of the Village of Silverton, in open meeting assembled, hereby enacts as follows:

**PART 1 – INTERPRETATION**

**Title**

1. This Bylaw may be cited as the “INTER-COMMUNITY BUSINESS LICENCE BYLAW NO. 526 – 2022”.

**Definitions**

In this bylaw unless the context otherwise requires:

<b>“Business”</b>	has the meaning as defined by the “ <i>Community Charter</i> Schedule Definitions and Rules of Interpretation”.
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<b>“Excluded Business”</b>	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.
<b>“Inter-Community Business”</b>	means a Business that performs a service or activity within more than one Participating Government 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.
<b>“Inter-Community Business Licence”</b>	means a Business Licence which authorizes Inter-Community Business to be carried on within the boundaries of any or all of the Participating Governments in accordance with this Bylaw and will be in addition to a Standard Business Licence.
<b>“Standard Business Licence”</b>	means a licence or permit, other than an Inter-Community Business Licence, issued by a Participating Government that authorizes a Business to be carried on within the jurisdictional boundaries of that Participating Government.
<b>“Participating Government”</b>	means communities located in the Kootenay Region of BC that have adopted an Inter-Community Business Licence Bylaw like this Bylaw.
<b>“Person”</b>	has the meaning ascribed to it by the Interpretation Act.
<b>“Premise”</b>	means a fixed or permanent location where the applicant ordinarily carries on Business.
<b>“Principal Government”</b>	means the Participating Government where a Business is physically located, or has a Premise, or, where the licensee does not maintain a Premise in any of the Participating Governments, the Government that issues the Inter-Community Business Licence.

## PART 2 – REGULATIONS

- a) Subject to Section (c) and (e), a person who has obtained an Inter-Community Business Licence may carry on business within a Participating Government for the term authorized by the Inter-Community Business Licence without obtaining a Standard Business Licence in the other Participating Governments.
- b) A Participating Government 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 Business Licence issued by that Participating Government, and the applicant meets the requirements of this Bylaw.
- c) A person holding an Inter-Community Business Licence must comply with all other regulations and bylaws of the Participating Government in which they are carrying on Business.
- d) A Business that operates under an Inter-Community Business Licence in more than one Participating Government shall only apply for an Inter-Community Business Licence from the Participating Government in which they maintain a Premise.
- e) Notwithstanding the issuance of an Inter-Community Business Licence, every person who carries on, maintains, owns or operates, within a Participating Government, 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 Standard Business Licence for each branch, office, place, premise or store. And further, notwithstanding Sections (b), (c), and (d), the Participating Governments agree that where an applicant for an Inter-Community Business Licence:
  - i. does not maintain Premises in any of the Participating Governments, then the applicant may apply at any one of them; or
  - ii. maintains a Premise in more than one of the Participating Governments, the applicant must apply at one of the Participating Governments where they maintain a Premise.

### **PART 3 – FEES**

- a) The fee for an Inter-Community Business Licence is \$100 and shall be paid in full at the time of application and will be retained by the Participating Government that issues the licence.
- b) The fee for an Inter-Community Business Licence is separate and additional to any Business Licence fee that may be required.
- c) The annual Inter-Community Business Licence fees prescribed in this bylaw may be reduced pro-rate in respect of any person who becomes liable to be licensed AFTER the commencement of the licence period, on the same basis as the municipal business licence.

### **PART 4 – 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 Governments and including, as a minimum, the following information:
  - i. 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;
  - ii. Declaring the mailing address and contact information for such profession, business, trade, occupation, calling, undertaking or thing;
  - iii. Declaring the number of persons engaged or occupied in such profession, business, trade, occupation, calling, undertaking or thing;
  - iv. Disclosing the number of distinctive lines of goods sold or offered for sale;
  - v. Including any other information concerning the profession, business, trade, occupation, calling, undertaking or thing which the Participating Government may require.
- b) Each Participating Government shall provide to all other Participating Governments standardized information regarding the Inter-Community Business Licences issued, by way of at least weekly updates on a shared database ([www.mobilebusinessregistry.ca](http://www.mobilebusinessregistry.ca)) available to all Participating Governments.

**PART 5 – SUSPENSION OR CANCELLATION OF AN INTER-COMMUNITY  
BUSINESS LICENCE**

- a) A Council or Designated Officer or Employee of a Participating Government may exercise the authority of the Principal Government 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 Governments and it shall be unlawful for the holder to carry on the Business authorized by the Inter-Community Business Licence in any Participating Governments for the period of the suspension or cancellation.
- b) Before suspending or canceling an Inter-Community Business Licence under Section 6(a), the Participating Government must give the licence holder notice of the proposed action and must inform the licence holder of their right to be heard.
  - i. If the licence holder wishes to exercise this right, the Participating Government shall communicate in writing to the licence holder and Principal Government 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 Government 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.
  - ii. If the licence holder does not exercise their right to be heard, the Participating Government 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 Principal Government as though it happened within the jurisdiction of the Principal Government.
- d) A decision by a Principal Government or Participating Government to cancel or suspend an Inter-Community Business Licence under Section 6 (b) shall be honoured by all Participating Governments.
- e) Nothing in this Bylaw impedes the authority of a Participating Government to suspend or cancel any Business Licence issued by that Government, or to enact

regulations in respect of any class of Business Licence in accordance with Section 15 of the *Community Charter* and amendments thereto.

## **PART 6 – MISCELLANEOUS**

- a) A Participating Government may, by notice in writing to each of the other Participating Governments, withdraw from the Inter-Community Business Licence scheme established by this Bylaw.

Notice must:

- i. Set out the date on which the withdrawing Government 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
  - ii. Include a certified copy of the Bylaw authorizing the withdrawal.
- b) 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 Government.

## **PART 7 - REPEAL AND ENACTMENT**

- (a) Inter-Community Business Licencing and Regulation of Trades, Occupations and Businesses Bylaw No. 513 - 2019 and all amendments are hereby repealed;
- (b) Any enactment referred to herein is a reference to an enactment of British Columbia and its regulations thereto, as amended, revised, consolidated, or replaced from time to time;
- (c) If any part, section, subsection, sentence, clause or phrase or word of this Bylaw is, for any reason, held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (d) This Bylaw shall come into full force and effect on \_\_\_\_\_.

READ A FIRST TIME THIS 8<sup>TH</sup> DAY OF DECEMBER 2021.

READ A SECOND TIME THIS 8<sup>TH</sup> DAY OF DECEMBER 2021.

READ A THIRD TIME THIS 8<sup>TH</sup> DAY OF DECEMBER 2021.

RECONSIDERED AND ADOPTED THIS 12<sup>TH</sup> DAY OF JANUARY 2022.

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Mayor

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Corporate Officer

Certified a true copy of the "Village of Silverton Inter-Community Business Licence Bylaw No. 526, 2022".

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Chief Administration Officer