

# **Community Government of Whatì**

## **BYLAW NUMBER 48-2014**

*A bylaw of the Community Government of Whatì in the Northwest Territories to provide for the licensing and regulation of businesses carried on within the municipality, pursuant to the provisions of the Tìjcho Community Government Act, S.N.W.T. . 2004, and the Summary Conviction Procedures Act, R.S.N.W.T., 1988, c. S-15, section 11.*

**WHEREAS** the *Tìjcho Community Government Act*, S.N.W.T., 2004, Section 6 (1) provides authority for a community government to make bylaws Council considers appropriate;

**AND WHEREAS** Council deems it necessary to regulate and control businesses within the municipality;

**NOW, THEREFORE**, the Council of the Community Government of Whatì, in regular session, duly assembled, enacts as follows:

### **1.0 CITATION OF BYLAW**

1.1 This Bylaw may be cited as the "Business License Bylaw".

### **2.0 DEFINITIONS**

2.1. In this Bylaw,

- 2.1.1 "BYLAW OFFICER" means a bylaw officer of the Community Government of Whatì or, in the absence of an appointed officer, the SAO;
- 2.1.2 "BUSINESS" means any person engaged in commercial activity for gain or livelihood but does not include a business that is regulated by any Act of Parliament or the Legislative Assembly of the Northwest Territories or any exempt business as prescribed by regulations;
- 2.1.3 "CARRY ON" means carry on, perform, operate, keep, hold, occupy, deal in or use for gain whether as principal or as agent;
- 2.1.4 "COMMUNITY GOVERNMENT" means the Community Government of Whatì;
- 2.1.5 "COUNCIL" means the Council of the Community Government of Whatì;
- 2.1.6 "HOME OCCUPATION" means any business carried on by a person who is an occupant of a residential building as a use secondary to the residential use of the building;
- 2.1.7 "NON-RESIDENT BUSINESS" means any person carrying on a business within the corporate boundaries of the Community Government of Whatì without establishing a permanent office or location of operation within the corporate boundaries of the Community Government of Whatì;

- 2.1.8 "PEDDLER/HAWKER" means a person who sells goods or services from door to door, on the street or in other public areas to individuals or businesses;
- 2.1.9 "PERSON" means any individual, corporation, firm, partnership, club or association;
- 2.1.10 "PREMISES" means the premises in or upon which such business is carried on;
- 2.1.11 "PUBLIC HEALTH OFFICER" means a person appointed pursuant to the Public Health Act;
- 2.1.12 "RESIDENT BUSINESS" means any person, as defined in this Clause, carrying on a business and establishing a permanent office of location of operation within the corporate boundaries of the Community Government of Whatì;
- 2.1.13 "SAO" means the Senior Administrative Officer of the Community Government of Whatì, or the person designated by the SAO to complete the functions noted in this Bylaw as being the responsibility of the SAO;

### **3.0 LICENSE REQUIREMENTS**

- 3.1 Any person carrying on a business, including a Home Occupation, within the corporate boundaries of the Community Government, is required to purchase a Business License.
- 3.2 A Business License issued shall be valid from the date of issue to December 31<sup>st</sup> of the current year unless sooner terminated.
- 3.3 Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a Business License for each type of business.
- 3.4 A Business License from the Community Government shall NOT BE REQUIRED to hold a concert, recital, show, bingo, casino, or other entertainment event where the monies charged to, collected for, or collected with admission, are for the benefit of a charitable organization with the Community Government. *(See Clause 4.4)*
- 3.5 A Business License from the Community Government shall NOT BE REQUIRED for residents that are making traditional products for periodic crafts sales *(See Clause 4.4)*
- 3.6 Any valid Business License from another Tłìchq community, where that community has entered into a Reciprocal Agreement with Whatì, shall be recognized and respected as a valid Business License in Whatì.

### **4.0 PROCEDURE FOR APPLICATION**

- 4.1 Application for a Business License shall be made on forms supplied by the Community Government and shall contain the following information:
- 4.1.1 Name, address and occupation of the applicant;
- 4.1.2 Business for which the license is applied;

- 4.1.3 Place where it is proposed to be carried on;
- 4.1.4 Period for which the license is required; and
- 4.1.5 Such other particulars of the business as the SAO may require.
- 4.2 No Business License shall be issued to operate a Home Occupation in rental accommodation unless a letter of consent from the agent or landlord of the premises, granting permission to operate a business out of the rented premises, is attached to the Business License application.
- 4.3 All charitable organizations who are selling goods/services for non-profit fund-raising will NOT require a Business License.
- 4.4 All Business License applications or renewals for Home Occupations must be submitted to the SAO for Council approval.
- 4.5 The SAO shall not issue a Business License where the WSCC, Public Health Officer, Fire Chief, or Building Inspector for the Government of the NWT declines a Certificate of Compliance.
- 4.6 No Business License application shall furnish false or misleading information regarding any procedure or conditions of this Bylaw. (*See Clause 6.9*)
- 4.7 Whenever an application for a Business License has complied with the terms of this Bylaw and of any other applicable bylaws, the applicant shall be entitled to the Business License applied for, subject to Clause 6.9, and upon payment of the fee payable.
- 4.8 A Business License issued to a licensee is not valid unless approved by the SAO or the SAO designate.

## **5.0 POSTING OF LICENSES**

- 5.1 Every Business License issued pursuant to this Bylaw shall be posted in a conspicuous place in the business premises and, whenever required to do so by the SAO, the licensee shall produce the Business License for inspection purposes.
- 5.2 Every Business License issued under this Bylaw to a non-resident contractor, service agency, hawker, peddlers or itinerant salesperson shall be carried by the licensee so that it may be inspected by anyone.
- 5.3 The Licensee shall not post or display any photographic or other reproduction of its' Business License issued by the Community Government, except as specifically authorized by the SAO.

## **6.0 LICENSING - GENERAL PROVISIONS**

- 6.1 Where a Licensee wishes to change any information contained in the application form, other than the specified information recorded on the Business License, the Licensee shall

make application for such change to the SAO within thirty (30) days from the issuance of the Business License and pay the administrative fee as specified in Schedule B.

- 6.2 Business License renewals shall be completed by the fifteenth (15<sup>th</sup>) day of February in each year.
- 6.3 Provided that a Business License renewal application is date-stamped received prior to February 15<sup>th</sup> and the prescribed fee has accompanied the application, a period of grace, not exceeding one month, shall be granted to any application awaiting a Workers' Compensation Board Certificate of Compliance.
- 6.4 A penalty, as established in Schedule B, shall be assessed against a business that submits a Business License renewal application after February 15<sup>th</sup>.
- 6.5 All Business Licenses issued shall expire as of 12:00 midnight on December 31<sup>st</sup> in the year the license was issued.
- 6.6 Business Licenses issued under this Bylaw are not transferable.
- 6.7 Business License fees shall be payable in full by each applicant at the time of the application, irrespective of the prospective term of the operation of the business.
- 6.8 No refunds shall be made, pro-rata or otherwise, on any unexpired Business License due to cessation of business activities by the licensee.
- 6.9 The SAO shall refuse to issue a Business License to an applicant who furnishes false or misleading information.
- 6.10 The SAO may revoke, suspend or refuse to issue a license where the SAO is satisfied that the person has violated any provisions of this Bylaw or any Act of the Northwest Territories in respect to any business that is licensed or requiring to be licensed under this Bylaw.
- 6.11 In every case where an applicant has been refused a Business License, that person seeking the Business License shall be entitled to appeal to the Council and Council shall make the final decision as to whether the refusal was just and reasonable.
- 6.12 Every appeal mentioned in Clause 6.11 shall be:
  - a. made in writing,
  - b. in a concise manner outlining the grounds on which the appeal is based, and
  - c. submitted to the Administration Office within thirty (30) days after a license has been refused.
- 6.13 Council, after hearing an appeal may:
  - a. direct a Business License be issued without conditions;
  - b. direct a Business License be issued with conditions or
  - c. uphold the decision of the SAO and refuse to grant the Business License.
- 6.14 In the event a Business License is suspended or revoked, the procedures set out *Tłı̨chǫ Community Government Act* shall be strictly observed.
- 6.15 The Licensee shall advise the SAO of the Licensee's change of address.

- 6.16 The Licensee shall produce its' Business License at all reasonable times of operation on demand of the SAO.
- 6.17 Every Business License, to be in force, shall bear on its' face the date on which it is issued and the date on which it will expire, the name of the applicant, the name of the business, the nature of the business, any special conditions under which the Licensee has been issued, and the corporate seal of the Community Government.

## **7.0 COMPLIANCE WITH OTHER LEGISLATION**

- 7.1 With the exception of Home Occupations, every business offering for sale any foodstuffs including, but not restricted to, restaurants, caterers and butchers shall provide documentation that the business premises have met all the requirements of the *Public Health Act*, R.S.N.W.T., 1988, c. P-12, before a Business License will be issued.
- 7.2 Every person in the business of providing tourist accommodation shall provide documentation that the premise(s) has met all the requirements of the *Tourist Accommodation Heath Regulations*, R.R.N.W.T., before a Business License will be issued.
- 7.3 Every person in the business of offering for sale firearms shall provide documentation that all requirements of the Criminal Code respecting firearms are met, before a Business License will be issued.
- 7.4 All businesses, except non-resident businesses, must meet all the requirements of a zoning bylaw, if applicable, before a Business License shall be issued.

## **8.0 PEDDLERS AND HAWKERS**

- 8.1 All peddlers and hawkers that are required to be bonded and licensed by the Government of the Northwest Territories will not be permitted to obtain a Business License without first obtaining a valid Direct Sellers' License.
- 8.2 No Business License shall be issued to a peddler or hawker until that peddler or hawker has established their identity with the SAO.
- 8.3 Peddlers and Hawkers shall conduct their businesses only between the hours of 9:00 am and 9:00 pm from Monday to Sunday inclusive.

## **9.0 ADMINISTRATION**

- 9.1 The SAO is hereby appointed as administrator of this Bylaw and the SAO may appoint officers of the Community Government to assist in these duties.
- 9.2 The SAO shall:
- 9.2.1 receive and process all applications for Business Licenses;
  - 9.2.2 keep a record of all Business License applications in a form required by the Council;

- 9.2.3 keep, on file, duplicate counterparts of all Business Licenses issued and particulars thereof;
  - 9.2.4 ascertain, as far as practicable, that all information furnished by an applicant is true in substance and in fact;
  - 9.2.5 prepare and issue all Business Licenses pursuant to the provisions of this Bylaw;
  - 9.2.6 report to the Council as to the number of Business Licenses issued, the number of Business Licenses renewed, and the amount of fees collected for the issuance of Business Licenses, from time to time, as may be requested by the Council.
- 9.3 The SAO shall:
- 9.3.1 ensure that this Bylaw is enforced;
  - 9.3.2 enforce payment of Business License fees where any business is carried on without a valid Business License;
  - 9.3.3 process and approve or disapprove all applications for Business Licenses and transfers of Business Licenses;
  - 9.3.4 ensure that all licensed businesses within the corporate boundaries of the Community Government are notified thirty (30) days prior to the renewal of the Business License, and;
  - 9.3.5 inspect at reasonable times any location at which a Business License holder or applicant is operating or is believed to be operating. Refusal to allow such inspection shall constitute a contravention of this Bylaw.

## **10.0 PENALTIES**

- 10.1 Unless otherwise determined in Schedule "C" of this Bylaw, any person violating any provisions of this Bylaw is guilty of an offence and is liable, upon summary conviction,
- 10.1.1 for a first offence during any licensing period,
    - 10.1.2.a in the case of an individual, to a fine not exceeding five hundred dollars (\$500.00) and,
    - 10.1.2.b in the case of a corporation, to a fine not exceeding one thousand dollars (\$1,000.00); or
  - 10.1.3 for each subsequent offence during a licensing period,
    - 10.1.3.a in the case of individual, to a fine not exceeding one thousand dollars (\$1,000.00) and,
    - 10.1.3.b in the case of a corporation, to a fine not exceeding five thousand dollars (\$5,000.00); or
  - 10.1.4 to imprisonment for a term not exceeding six (6) months in default of payment of a fine.
- 10.2 Pursuant to the provisions of the *Summary Conviction Procedures Act*, a bylaw officer

may issue a summary offence ticket information to any person who violates any provisions of this Bylaw and such person may, in lieu of prosecution, pay the Community Government the voluntary penalty for the offence listed in Schedule "C" prior to the date specified in the ticket.

## **11.0 GENERAL**

11.1 Nothing in this Bylaw shall:

11.1.1 Prevent any person concerned from exercising their right to defend any charge of committing a breach of this Bylaw;

11.1.2 Prevent any person, entitled to do so, from laying an information and complaint against any person for committing a breach of this Bylaw; or

11.1.3 Prevent any person from exercising any legal rights that such person may have to lay an information and complaint against any other person for a breach of any provision of the Bylaw.

11.2 This Bylaw shall come into effect upon Third and Final Reading.

## **12.0 SCHEDULES**

12.1 The Community Government may amend, from time to time, by bylaw one or more of the schedules attached to and forming part of this Bylaw.

12.1.1 Schedule "A" - Annual Fees

12.1.2 Schedule "B" - Form A - Business License - Application Form  
- Form B - Business License - License Format

12.1.3 Schedule "C" - Fines and Penalties

Read a First time this 17<sup>th</sup> day of February, 2014.

Read a Second time this 14<sup>th</sup> day of December, 2015.

Read a Third and Final time, and passed this 25<sup>th</sup> day of January, 2016.

  
\_\_\_\_\_  
Chief Alfonz Nitsiza

  
\_\_\_\_\_  
Lisa Nitsiza, SAO

As per Section 71(1)(d) of the *Tł̓ch̓q Community Government Act*, I hereby certify that this Bylaw has been made in accordance with the requirements of *Tł̓ch̓q Community Government Act*, and the bylaws of the municipal corporation of the Community Government of Whatl.

  
\_\_\_\_\_  
Lisa Nitsiza, SAO





**Community Government of Whatì  
Bylaw 48-2014 - Business License Bylaw  
Schedule "A"**

**Scheduled of Fees**

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Resident Business .....	\$50.00
Peddler License .....	\$75.00
Non-Resident Business .....	\$100.00
Registered Charitable Organization .....	\$0.00

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**Community Government of Whatì  
Bylaw 48-2014 - Business License Bylaw  
Schedule "B"**

**Form A - Business License - Application Form**

(Application Form to be attached)



## Community Government of Whatì

P.O. Box 71, Whatì, NT  
X0E 1P0, Canada  
(867) 573-3401 Phone  
(867) 573-3018 FAX  
[sao@whatì.ca](mailto:sao@whatì.ca)

### Business License Application

Name of Person making Application:

Address:

Occupation:

Business Name:

Business Type:

Proposed Business Location:

Is this a Home Occupation?

Yes: \_\_\_\_ No: \_\_\_\_

*If YES, the applicant requires approval from a Landlord, and approval from Council.*

- Is the Letter of Approval attached to this application?

Yes: \_\_\_\_ No: \_\_\_\_

- What is the Motion Number provided by Council? \_\_\_\_\_

Is this a charitable organization for non-profit fund-raising?

Yes: \_\_\_\_ No: \_\_\_\_

*If Yes, there is NO FEE required.*

Is this a Business License renewal?

Yes: \_\_\_\_ No: \_\_\_\_

*Note: Home Occupation Renewals must be approved by Council.*

License Period: From: \_\_\_\_\_ To: \_\_\_\_\_

Does this Business require special approvals by WSCC, Public Health, Fire Department, or Building Inspector? Yes: \_\_\_\_\_ No: \_\_\_\_\_

*If Yes, please attach proof of approval by these agencies.*

**Important Notice:**

It is unlawful and a violation of Bylaw 48-2014, the Business License Bylaw, to provide false or misleading information in the application. Should an applicant be found in fault, the Community Government of Whatì may refuse to grant a Business License. Summary Conviction fines between \$50.00 and \$500, or \$100/day, may also apply.

**Personal Declaration:**

I, \_\_\_\_\_, have provided the following information in this form for this Business License application, and believe it to be a true and accurate representation of the facts concerning this Business License application. I also understand that knowingly providing false or misleading information is grounds for this application being declined and could lead to possible summary conviction fines. I so swear.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Received by the Community Government of Whatì:

\_\_\_\_\_  
Signature of SAO/Designate

\_\_\_\_\_  
Date

Business License Decision - Approved / Declined: *(Circle One)*

If Approved, Business License Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of SAO/Designate

\_\_\_\_\_  
Date

**Community Government of Whatì  
Bylaw 48-2014 - Business License Bylaw  
Schedule "B"**

**Form B - Business License - License Format**

(Business License format to be attached)

# Community Government of Whatì

## 2016 Business License

Community Government of Whatì  
P.O. Box 71  
Whatì, NT  
Canada  
X0E 1P0  
867-573-3401

Issued to : **Sample Samplington**

Business License #: **WA2016-00**

To carry on the business of : **Sampling in Whatì**

At the Location of : **123 Sample Street, Whatì, NT**

This Business License is valid between **Sampltember 1, 2016 and December 31, 2016**

Signed by : \_\_\_\_\_

(seal)

**Post in a Conspicuous Place**

**Community Government of Whatì  
Bylaw 48-2014 - Business License Bylaw  
Schedule "C"**

**Fines and Penalties**

<b>Section</b>	<b>Description</b>	<b>Fine or Penalty</b>
3.1, 3.3	Operating without a Business License	\$100.00/day
5.1, 5.2	Failure to post or carry Business License	\$50.00
5.3	Display reproduction of a Business License	\$50.00
6.15	Failure to notify change of address	\$50.00
6.16	Failure to produce Business License request	\$100.00
9.3.5	Refusal to allow officer on premises	\$500.00