

Community Government of Whati

Bylaw Number 67-2021

A bylaw of the Community Government of Whati in the Northwest Territories to provide for the licensing and regulation of businesses carried on within its community boundaries, issued pursuant to provisions of the Tlicho Community Government Act, SNWT 2004, c 7, and the Summary Conviction Procedures Act, RSNWT 1988, c S-15.

WHEREAS the *Tlicho Community Government Act*, SNWT 2004, c 7, provides the authority for the Community Government of Whati to regulate businesses within its community boundaries;

AND WHEREAS the Council of the Community Government of Whati deems it necessary to regulate businesses within its community boundaries;

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

CITATION OF BYLAW

1. This bylaw may be cited as the "Business License Bylaw".

REPEAL

2. This bylaw repeals and replaces Bylaws numbered 48-2014 and 59-2016.

DEFINITIONS

3. In this bylaw,

"Act" means the *Tlicho Community Government Act*, SNWT 2004, c 7;

"bylaw officer" means a person appointed under section 133 of the Act and includes the SAO;

"business" means any person engaged in a commercial enterprise carried on for profit; for greater certainty, this does not include any organization selling goods or services or undertaking any other fund-generating activities for charitable or other not-for-profit purposes;

"community boundaries" means the boundaries of Whati as established by section 2 of the Schedule to the Act;

"Community Government" means the Community Government of Whati;

"Council" means the Council of the Community Government of Whati;

“food” includes drinking water and ice;

“home occupation” means any business situated in a residential building or building unit whose use of such residential building or building unit is secondary to any person’s use of such building or building unit as a residence;

“non-resident business” means any business operating within community boundaries without establishing a permanent office or location of operation within community boundaries;

“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;

“person” includes any individual, corporation, firm, partnership, club or association;

“premises” includes lands and fixed structures, mobile homes, bodies of water, and vehicles and other moveable structures;

“resident business” means any business that has established a permanent office or location of operation within community boundaries; and

“SAO” means the senior administrative officer of the Community Government appointed under subsection 38(1) of the Act.

CATEGORIES

4. For the purposes of this bylaw, there exist the following categories of businesses:

“caterer” means any business that provides food services at diverse locations on request, non-exclusively including food delivery services provided by a business other than a restaurant or a takeout service;

“gasoline filling station” includes any premises that offers for retail consumption any petroleum product used as fuel in vehicles to the general public;

“other business” includes any business other than those specifically defined in this section;

“other food establishment” includes any business that sells food other than a caterer, restaurant, or takeout service;

“personal service establishment” has the same meaning as that contained in the *Public Health Act*, SNWT 2007, c 17, subsection 1(1), and includes any business as therein defined;

“restaurant” means any business or place where people pay to sit and eat meals that are cooked and served on or about the premises on which the business operates, and non-exclusively includes temporary and mobile food service businesses that provide meals such as food trucks, food stands and stalls, and food carts, but does not include caterers or takeout services;

“retailer” means a business that sells, leases, or rents merchandise or products directly to consumers for the consumers’ own consumption or use but not for the resale thereof;

“takeout service” means any business other than a restaurant or a caterer that cooks meals on the premises on which the business operates primarily for pick up by customers for consumption off of said premises;

“tour operator” includes any business that provides tours, travel, or guiding that occurs and/or originates with the community boundaries;

“tourist establishment” has the same meaning as that contained in the *Tourist Accommodation Health Regulations*, RRNWT 1990, c P-24, section 1, and includes any business as therein defined; and

“traditional crafts retailer” means a business that only produces and/or sells products associated with traditional Indigenous culture or products similar thereto.

LICENSE REQUIREMENTS

5. Subject to the exceptions contained in section 9, below, every business located or operating within community boundaries must hold a business license issued under this bylaw before commencing operation
6. For greater certainty, any person may for the purposes of this bylaw constitute or be engaged in more than one category of business, as such are defined in this bylaw, and such person must hold one business license for every category of business that they constitute and/or are engaged in.
7. For greater certainty, a person is not engaged in more than one category of business if their participation in any category of business, as such are defined in this bylaw, is either typically associated with or of a minimal or incidental character relative to another category of business operated by the same person on the same premises.
8. Once issued, a business license shall be valid from its effective date until:
 - a. If the license was issued after March 31 of the year during which it was issued, 11:59 PM on March 31 of the following year;

- b. If the license was issued before March 31 of the year during which it was issued, 11:59 PM of March 31 of the same year; or
 - c. The license is otherwise terminated under any provision of this bylaw or other provision of law.
9. A business does not require a business license from the Community Government where:
- a. A business holds a valid business license issued by another Tlicho community government established under subsection 7(1) of the Act and such community government and the Community Government have entered into an agreement that provides for the mutual recognition of business licenses issued by each;
 - b. A business is a traditional crafts retailer that only produces and sells its products for periodic and/or irregular sales.

APPLICATIONS AND APPROVALS

10. An application for a business license shall be made to the SAO in the form prescribed in Schedule C.
11. All applications shall contain the following:
- a. The name, occupation, and address of the person applying;
 - b. The name and category of the business to be licensed;
 - c. The address or location at which the business will be located;
 - d. The period for which the license is required;
 - e. Any other information which either the SAO or the prescribed form may require; and
 - f. The fee(s) applicable to the business listed in Schedule A.
12. The SAO is responsible for reviewing and approving or denying all applications for business licenses, except for applications for home occupations, which shall be submitted to and, where applicable, issued by the SAO but reviewed and approved or denied by Council.
13. A business license may be issued without conditions or with any conditions reasonably related to the regulation of the business in question.
14. Every business license shall be issued in the form prescribed in Schedule D, and such form shall include the effective date of the business license, the name of its

holder, the category of the business, the corporate seal of the Community Government, and any conditions applicable to the license.

15. No business license shall be issued to any person applying for a business license unless the business for which the license is being applied is or would be in compliance with any applicable provisions under any community plan and/or zoning bylaw(s) enacted by the Community Government, if any such bylaw(s) exist at the time of the application.
16. No business license shall be issued to any person applying for a business license for a business that will sell food of any kind unless documentation of compliance with and/or authorization under the *Public Health Act*, SNWT 2007, c 17, and/or any regulations issued thereunder, as may be applicable at the time of the application, is provided with the application therefor.
17. No business license shall be issued to any person applying for a business license for a personal service establishment unless documentation of compliance with and/or authorization under the *Public Health Act*, SNWT 2007, c 17, and/or any regulations issued thereunder, as may be applicable at the time of the application, is provided with the application therefor.
18. No business license shall be issued to any person applying for a business license for a business that will provide tourist accommodation unless documentation of compliance with the *Tourist Accommodation Health Regulations*, RRNWT 1990, c P-24, is provided with the application therefor.
19. No business license shall be issued to any person applying for a business license for a business that will sell firearms unless documentation of compliance with any related requirements in the *Criminal Code*, RSC 1985, c C-46, is provided with the application therefor.
20. No business license shall be issued to a peddler/hawker until such person has both established their identity with the Community Government and, if required, obtained a license for direct sellers under subsections 84(2) and 86(1) of the *Consumer Protection Act*, RSNWT 1988, c C-17.
21. No business license shall be issued to a business that will operate in or out of a rented residential unit without a written letter from the landlord of such unit providing consent for such operation being provided along with the application therefor.
22. No business license shall be issued unless, where applicable, certificates of compliance or other approvals from any of the Workers' Safety and Compensation Commission, Fire Marshal, the Department of Health and Social Services of the Government of the Northwest Territories, or a building inspector are necessary for the business to operate as it intends to and any such certificates or other approvals have been provided along with the application for a business license.

23. An application for a business license may be denied if a person furnishes false or misleading information in such an application; any person making such an application shall not be entitled to the return of any fees paid in relation to such application.
24. Where an application for a business license has been denied for any reason other than the furnishing of false or misleading information, any fee(s) paid to the Community Government shall be refunded to the person who made the application.

APPEALS

25. Where an application for a business license has been denied by the SAO, the person who applied therefor may appeal this decision to Council within thirty (30) days of such decision; where an application for a business license has been denied by Council, the person who applied therefor may request that Council reconsider its decisions per the same provisions as those for an appeal, below.
26. Where a business license has been issued by the SAO with conditions, the holder of such license may appeal any conditions included in the license to Council within thirty (30) days of the decision; where the original decision to issue a business license with conditions was made by Council, the holder of such license may request that Council reconsider its decisions per the same provisions as those for an appeal, below.
27. An appeal shall be made in writing and shall in a concise manner outline the basis of the appeal.
28. After considering the materials submitted in an appeal, Council may:
 - a. uphold the previous decision; or
 - b. direct the SAO to issue a business license or an amended business license with or without any conditions reasonably related to the regulation of the business in question that Council considers appropriate in the circumstances.

RENEWALS, TERMINATION, AND CONTINUING RESPONSIBILITIES

29. A business license must be renewed annually, and an application to renew a business license must be submitted with any fees required in Schedule A by May 15 for each year during which the business will continue to operate.
30. Renewal applications are subject to the same rules and requirements as an application for a new business license as detailed in sections 10-24, above, except that any business awaiting compliance documentation from the Workers' Safety and Compensation Committee may provide such to the SAO up to thirty (30) days after May 15.

31. Should the holder of a business license fail to comply with its conditions or any other requirements in this bylaw or any law referenced in it, the SAO may suspend or terminate such person's business license; suspensions may continue until the holder of the business license can demonstrate compliance with the condition or provision of law whose non-compliance resulted in the suspension or for thirty (30) days; for greater certainty, if such non-compliance continues for longer than thirty (30) days, then the business license in question will be terminated by operation of law, and the former holder of such license must apply for a new business license.
32. Where a business license has been terminated for non-compliance with this bylaw or a condition of the license, the former holder of the terminated business license may apply for a new license, subject to all of the rules applicable to the application for a new business license, after thirty (30) days have passed since the termination of the original business license.
33. The holder of a business license may voluntarily relinquish their license by providing the SAO with their license and written confirmation that they are relinquishing their license.
34. The termination of a business license for any reason does not entitle the holder thereof to any rebate or refund of fees of any kind.
35. If any of the information previously provided to the SAO related to any business license or application for a business license changes, the person to whom the business license was issued or the person who applied for the business license must provide updated information to the SAO as soon as is reasonably practicable.
36. Business licenses are non-transferable.

POSTING OF LICENSES

37. The holder of a business license shall post the original business license issued by the Community Government in a conspicuous place within the premises on which the business operates and must produce the business license whenever asked to do so by the SAO or a bylaw officer.
38. Where a business license has been issued to a non-resident business, service agency, peddler/hawker or other itinerant salesperson, such person or an employee of such business, as is applicable, shall carry the original business license issued by the Community Government on their person and shall produce it on the request of the SAO, a bylaw officer, or anyone with whom such person or employee is doing business.
39. The holder of a business license may not post a photocopy or other reproduction of the original business license issued by the Community Government in lieu of such original business license unless specifically authorized to do so in writing by the SAO.

40. Where a business license has been issued to a non-resident business, service agency, peddler/hawker or other itinerant salesperson, such person or an employee of such business, as is applicable, may not carry a photocopy or other reproduction of the original business license issued by the Community Government on their person in lieu of such original business license unless specifically authorized to do so in writing by the SAO.

CLOSING HOURS

41. Peddlers/hawkers may only operate between 9 AM and 9 PM on any day of the week.
42. Caterers, restaurants, takeout services, and other food establishments may only serve food between 6 AM and 10 PM on any day of the week.

ENFORCEMENT

43. Either the SAO or a bylaw officer may inspect at all reasonable times any location at which a business operates or is believed to operate for compliance with this bylaw.
44. Either the SAO or a bylaw officer may take action to ensure that fees due under this bylaw are paid by any person who owes them to the Community Government.

VIOLATIONS

45. It is a violation to:
- a. Operate a business without a business license; for greater certainty, if this violation is committed or continued for more than one day, each day for which the violation is committed or continued constitutes a separate violation, and, for additional greater certainty, a business that continues to operate while a renewal of its license is pending with the application for such renewal having been filed in a timely manner and a business that fails to apply for a renewal of its business license in a timely manner are not operating without a business license for the purposes of this subsection;
 - b. Fail to renew a business license for a continuing business by the date set in section 29, above;
 - c. Violate any condition in a business license;
 - d. Operate a business outside of the hours during which the business is allowed to operate;
 - e. Fail to post the original business license issued by the Community Government on the premises on which the licensed business operates;

- f. For the person operating a non-resident business or the employee representing it, including peddlers/hawkers, to fail to carry the original business license issued by the Community Government on their person;
- g. To post a copy or other reproduction of the original business license issued by the Community Government on the premises on which the licensed business operates in lieu of the original business license for the business issued by the Community Government without written permission;
- h. For the person operating a non-resident business or the employee representing it, including peddlers/hawkers, to carry a copy or other reproduction of the original business license issued by the Community Government in lieu of the original business license for the business issued by the Community Government without written permission;
- i. To fail to notify the Community Government of a change of address of a business within thirty (30) days of such change;
- j. To fail to produce the original business license issued by the Community Government upon the request of the SAO or a bylaw officer; and
- k. To refuse to allow the SAO or a bylaw officer onto the premises of a business.

PENALTIES

46. Any person who commits a violation under this bylaw is guilty of an offence and is liable, upon summary conviction:

- a. For a first offence during any one licensing period:
 - i. In the case of an individual, to a fine not exceeding five hundred dollars (\$500.00); and
 - ii. In the case of a corporation, to a fine not exceeding one thousand dollars (\$1,000.00); or
- b. For each subsequent offence during any one licensing period:
 - i. In the case of an individual, to a fine not exceeding one thousand dollars (\$1,000.00); or
 - ii. In the case of a corporation, to a fine not exceeding five thousand dollars (\$5,000.00); or
- c. For any offence committed by either an individual or a corporation, to imprisonment for a term not exceeding six (6) months for a failure to pay any fine levied under this bylaw.

47. Pursuant to the *Summary Conviction Procedures Act*, RSNWT 1988, c S-15, and any regulations issued thereunder, a bylaw officer may issue a ticket summons in the form specified in the *Summary Conviction Procedures Act* and/or any regulations issued thereunder to any person who commits a violation under this bylaw and such person may, in lieu of prosecution, provide the Community Government by the date specified with:

- a. The voluntary penalty specified in the ticket; and
- b. The signed ticket summons.

48. Voluntary penalties for offences under this bylaw shall be listed in Schedule B.

ADMINISTRATION

49. In addition to the duties and functions provided for elsewhere in this bylaw, the SAO shall:

- a. Keep records of all applications for business licenses;
- b. Maintain duplicates of all business licenses issued and files thereon;
- c. Report to Council, from time to time as requested by Council, on the number of business license applications received, the number of business licenses issued and/or renewed, and the amount of related fees collected; and
- d. Provide notice of the need to renew business licenses to all licensed businesses within thirty (30) days of their expiry.

50. The SAO may delegate any of their authority under this bylaw to another officer, including a bylaw officer, or employee of the Community Government.

GENERAL

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

READINGS AND SIGNATURE

Read a first time this 10th day of May, 2021.

Read a second time this 10th day of May, 2021.

Read a third and final time and passed this 17th day of May, 2021.



Chief Alfonz Nitsiza



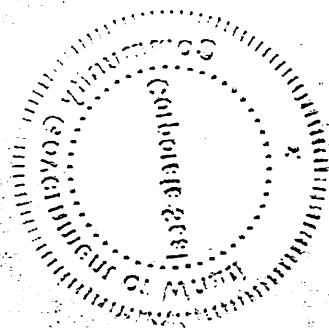
Lisa Nitsiza, SAO

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



Lisa Nitsiza, SAO





For supply of Cobalt-60 to the Government of India, the Ministry of Health, Government of India, has decided to purchase the same from the United States of America. The purchase of Cobalt-60 is being made under the terms of the agreement entered into between the Government of India and the United States of America for the supply of Cobalt-60 to the Government of India.

Yours faithfully,
[Signature]

For the Ministry of Health, Government of India, [Signature]

**Community Government of Whati
Bylaw 67-2021 - Business License Bylaw**

SCHEDULE A – FEES

Resident Business	\$200.00
Peddler/Hawker	\$200.00
Non-Resident Business	\$500.00

**Community Government of Whati
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SCHEDULE B – VOLUNTARY PENALTIES

<u>Section</u>	<u>Description</u>	<u>Voluntary Penalty</u>
45.a	Operating business without business license	\$200.00/day
45.b	Failure to renew business license	\$200.00 + Fee
45.c	Violate any business license condition	\$200.00
45.d	Operate business outside set hours	\$500.00
45.e	Failure to post business license	\$50.00
45.f	Failure to carry business license	\$50.00
45.g	Posting copy/reproduction of business license	\$50.00
45.h	Carrying copy/reproduction of business license	\$50.00
45.i	Failure to provide notice of address change	\$50.00
45.j	Failure to produce business license	\$100.00
45.k	Refusing bylaw officer/SAO premises access	\$500.00

**Community Government of Whati
Bylaw 67-2021 - Business License Bylaw**

SCHEDULE C – APPLICATION FORM



Community Government of Whati

P.O. Box 71, Whati, NT
X0E 1P0, Canada
(867) 573-3401 Phone
(867) 573-3018 FAX
sao@whati.ca

Business License Application

Applicant Name:

Applicant Address:

Business Name:

Business Category:

Proposed Business Location:

Is this a home occupation?

Yes: ____ No: ____

Is this a business license renewal?

Yes: ____ No: ____

Note: Home occupation applications must be approved by Council.

Does this business require any of the approvals listed in sections 16 through 22 of the Business Licensing Bylaw? Yes: ____ No: ____

If yes, please attach proof of approval by these agencies.

Personal Declaration:

I, _____, believe the information in this form to be a true and accurate representation of the facts concerning this business license application. I acknowledge that providing false or misleading information is grounds for this application being denied and the forfeiture of any fees paid in relation to this application.

Signature of Applicant

Date

Received by the Community Government of Whatì:

Signature of SAO/Delegate

Date

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

If Approved, Business License Number: _____

Signature of SAO/Delegate

Date

**Community Government of Whatì
Bylaw 67-2021 - Business License Bylaw**

SCHEDULE D – BUSINESS LICENSE FORMAT

Community Government of Whatì 202x Business License

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

Issued to: **xx**

Business License #: **WA202x-xx**

Business Category: **xx**

Address: **xx Whatì, NT**

This Business License is valid between **xx** and **March 31, 202x**

Issued by: _____