



BUSINESS BYLAW 102

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A Bylaw of the Municipal Corporation of the Hamlet of Fort Liard in the Northwest Territories to provide for the licensing and regulation of business carried on within the municipality, pursuant to the provisions of the Hamlets Act, R.S.N.W.T., 1988, c. H-1, sections 110, 111, and 173 and the Summary Conviction Procedures Act, R.S.N.W.T., 1988, c. S-15, section 11.

WHEREAS, the Hamlet of Fort Liard deems it necessary to regulate and control business within the municipality,

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF FORT LIARD, at a duly convened meeting, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the **“Business Bylaw”**.

INTERPRETATION

2. In this by-law,

“Applicant” means a person applying for a business licence issued under the provisions of this by-law;

“Business” means a company, partnership or sole proprietorship which includes

- (a) a profession, trade, manufacture or undertaking of any kind;
- (b) an adventure in the nature of trade and
- (c) the sale or offer for sale of goods or services in any public place but does not include a business that is regulated by an Act of Parliament or any other exempt business prescribed by regulation;

“Bylaw Officer” means a by-law officer of the Hamlet, appointed by Council;

“Council” means the Council of the Hamlet;

“Hamlet” means the Hamlet of Fort Liard in the Northwest Territories;

“Hawker or Pedlar”	means any person who, whether as principal or agent, goes from house to house or locates on any street or roadway or elsewhere, other than a building which is their permanent place of business, and offers for sale any merchandise to any person by means of samples, patterns, cuts or blueprint, merchandise to be afterward delivered in or shipped to the municipality, but does not include a principal or agent selling to a wholesale or retail dealer in such merchandise;
“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 or the building;
“Industry”	means one that employs personnel and capital in manufacturing or provides servicing, a distinct and productive unit or profit making enterprise;
“Licensing Period”	means the period between April 1 and March 31 during which a licence is issued;
“Non-Resident”	means any person carrying on business within the of the Hamlet, without having an established or a permanent office or location of operation within the corporate limits of the Hamlet;
“Person”	means any individual, sole proprietorship, partnership, body corporate, society, or any combination of two or more of the aforementioned;
“Private Dwelling”	means a home, or apartment owned or rented by the occupant or occupants thereof, but occupant such a dwelling as a temporary guest;
“Resident Business”	means any person, as defined in this section, carrying on a business and establishing a permanent office or location of operation within the corporate limits of the Hamlet;
“SAO”	means the Senior Administrative Officer of the Hamlet of Fort Liard;
“Schedule”	means a schedule attached to, and forming part of, this by-law;
“Workers Compensation Certificate of Compliance”	means a Certificate of Compliance or similar document issued annually by the Worker’s Compensation Board of the Northwest Territories evidencing compliance with the Workers’ Compensation Act, R.S.N.W.T., 1988, c. W-6.

LICENCE REQUIREMENTS

3. (1) No person shall carry on or operate a business unless he or she holds a valid and subsisting licence to do so, issued pursuant to this by-law.
- (2) Each licence issued pursuant to subsection (2) shall be valid from the date of issue for the current year unless sooner terminated.
4. Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold to for each type of business.

PROCEDURE FOR APPLICATION

5. All applicants for a business licence shall complete an application, in the form set out in Schedule A which must be accompanied by the fee payable for the issuance of such licence, as set out in Schedule "B".
6. All applications for licences shall give the description, in detail, of the premises in or upon which the applicant intends to carry on the business in respect of which the applicant has made an application for the licence.
7. All applications for licences shall be accompanied by a Workers' Compensation Board Certificate of Compliance and no licence shall be issued without such valid Certificate.
8. No business licence shall be issued to operate a home occupation in rental accommodation unless a letter of consent from the agent of landlord of the premises, granting permission to operate a business out of the rented premises, is attached to the business licence application.
9. All licences issued to carry on any business shall designate the premises in or on which the licenses may carry on or engage in the business in respect of which the licence is issued and the licence authorizes the licenses to carry on the licensed business only in or upon the premises designated in such license and a separate licence shall be obtained for each such location.
10. No licence application shall furnish false or misleading information regarding any procedure or condition of this by-law.
11. Whenever an application for a licence has complied with terms of this by-law and of any other applicable by-laws, the applicant shall be entitled to the licence applied for, subject to section 27, and upon the payment of the fee payable.

12. A business licence issued to a licensee is not valid unless approved by the SAO or his or her designate.

POSTING OF LICENCES

13. Every licence issued pursuant to this by-law 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 licence for inspection purposes.
14. Every business licence issued under this by-law to a non-resident contractor, service agency, hawker, pedlar or itinerant salesperson shall be carried by the licensee so that it may be inspected by anyone.

LICENSING – GENERAL PROVISIONS

15. Where a licensee wishes to change any information contained in the application form, other than the specified information recorded on the licence, the licensee shall make application for such change to the SAO within thirty days from the issuance of the licence and pay the administrative fee as specified in Schedule "B".
16. Business licence renewals shall be completed by the fifteenth day of May in each year.
17. A penalty of \$25.00 shall be assessed against a business that submits a business licence renewal application after May 15.
18. All business licences issued shall expire as of 12:00 midnight on March 31 in the year the licence was issued.
19. Business licences issued under this by-law are not transferable.
20. The licence fee 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.
21. No refunds shall be made, pro-rate or otherwise, on any unexpired licence due to cessation of business activities by the licensee.
22. The SAO shall refuse to issue a licence to an applicant who furnishes false or misleading information.
23. The SAO may revoke, suspend or refuse to issue a licence where he is satisfied that the person has violated any provisions of this by-law or an Act of the Northwest Territories in respect to any business licensed or requiring to be licensed under this by-law.
24. (1) In every case where an applicant has been refused a licence, that

person seeking the licence shall be entitled to appeal to the Council and Council shall make the final decision as to whether the refusal was just and reasonable.

- (2) Every appeal mentioned in subsection (2) 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 Hamlet Office within thirty days after a licence has been refused.
- (3) Council, after hearing an appeal may
 - (a) direct a licence be issued without conditions;
 - (b) direct a licence be issued with conditions or
 - (c) uphold the decision of the SAO and refuse to grant the licence.

- 25. In the event a licence is suspended or revoked, the procedures set out in section 178 of the Hamlets Act shall be strictly observed.

COMPLIANCE WITH OTHER LEGISLATION

- 26. 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 licence will be issued.
- 27. Every person in the business of providing tourist accommodation shall provide documentation that the premises has met all the requirements of the Tourist Accommodation Regulations, before a licence will be issued.
- 28. 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 licence will be issued.

HAWKERS AND PEDLARS

- 29. All hawkers and pedlars that are required to be bonded and licensed by the Government of the Northwest Territories will not be permitted to obtain a business licence without first obtaining a valid Direct Sellers' Licence.
- 30. No licence shall be issued to a hawker or pedlar until that hawker or pedlar has established his or her identity with the SAO.
- 31. Hawkers and pedlars shall conduct their businesses only between the

hours of 9:00 a.m. and 9:00 p.m. from Monday to Sunday inclusive.

BUSINESS LOCATIONS AND OFFICES

32. All licensed businesses shall have an office except for a non-resident contractor, service agency, hawker, pedlar or itinerant salesperson.
33. Any person may operate one or more businesses from the same office location.
34. No business licence shall be issued in which the location of the business has been identified as a vacant lot.

POWERS AND DUTIES OF THE SAO

35. The SAO is hereby appointed as administrator of this by-law and he or she may appoint officers of the municipality to assist in his or her duties.
36. The SAO shall
 - (a) receive and process all applications for business licences;
 - (b) keep a record of all applications for licences in a form required by the Council;
 - (c) keep, on file, duplicate counterparts of all licences issued and particulars thereof;
 - (d) ascertain, as far as practicable, that all information furnished by an applicant is true in substance and in fact;
 - (e) prepare and issue all licences pursuant to the provisions of this by-law;
 - (f) report to the Council as to the number of licences issued, the number of licences renewed and the amount of fees collected for the issuance of business licences, from time to time, as requested by the Council;

PENALTIES

37. Any person violating any provisions of this by-law is guilty of an offence and liable, upon summary conviction,
 - (a) for a first offence during any 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) and
 - (b) for each subsequent of offence during a licensing period,
 - (i) in the case of individual, to a fine not exceeding one thousand dollars (\$1,000.00) and

- (ii) in the case of a corporation, to a fine not exceeding five thousand dollars (\$5,000.00) or
 - (c) to imprisonment for a term not exceeding six months in default of payment of a fine.
38. Pursuant to the provisions of the Summary Conviction Procedures Act, a by-law officer may issue a summary offence ticket information to any person who violates any provisions of this by-law and such person may, in lieu of prosecution, pay the Hamlet the voluntary penalty for the offence listed in Schedule "C" prior to the date specified in the ticket.

EFFECTIVE DATE

39. This by-law is effective January 1, 1998.
40. Business licences issued prior to December 31, 1997 pursuant to the Business Licence Act, R.S.N.W.T., 1988 shall be considered valid until their expiry date unless cancelled for non compliance of the Business Licence Act.

READ a First Time this 11th day of September, 1997.

READ a Second Time this 2nd day of October, 1997.

READ a third Time and Finally Passed this 2nd day of October, 1997.

SCHEDULE "A"
APPLICATION FOR BUSINESS LICENCE

1. Name of Applicant: _____
2. Name of Business: _____
3. Business Address: _____
4. Mailing Address: _____
5. Location of Business: Lot No.: _____ Block No.: _____
6. Telephone Number of Business: _____
7. Location of Business: (Please Check One)
(a) Outside Home _____ (b) Home Occupation _____
8. Type of Business: _____
9. Is this a non-resident business? Yes _____ No _____
10. Is this a renewal? Yes _____ No _____

I, _____, hereby make application for a licence in accordance with the particulars as above and certify that the above mentioned information is correct.

Signature of Applicant

Date

For Office Use Only

Fee: \$ _____ Licence Number _____ Approved? Yes _____ No _____

Date licence Issued: _____ For Licensing Period: _____

Documentation Attached: WCB Compliance Certificate _____

Senior Administrative Officer per:

SCHEDULE "B"
FEES

NON RESIDENT BUSINESS/CONTRACTOR	\$ 200.00
RESIDENT BUSINESS	\$ 50.00

SCHEDULE "C"
VOLUNTARY PENALTIES

VIOLATION OF ANY PROVISION OF BYLAW

	FIRST OFFENCE	SECOND OFFENCE
INDIVIDUAL	\$ 500.00	\$ 1,000.00
CORPORATION	\$ 1,000.00	\$ 5,000.00