

BYLAW NO. 485

BEING A BYLAW OF THE MUNICIPAL CORPORATION OF THE VILLAGE OF FORT SIMPSON, IN THE NORTHWEST TERRITORIES, TO PROVIDE FOR THE REGULATING, CONTROLLING AND LICENSING OF BUSINESSES CARRIED ON WITHIN THE VILLAGE, BUT NOT INCLUDING A BUSINESS THAT IS REGULATED BY AN ACT OF PARLIAMENT OR ANY OTHER EXEMPT BUSINESS PRESCRIBED BY REGULATION PURSUANT TO THE CITIES, TOWNS AND VILLAGES ACT;

PURSUANT TO the Cities, Towns and Villages Act, R.S.N.W.T. 1988, as amended, Chapter C-8, Sections 102, 109-113, 171-187, and to the provisions of the Business License Act, R.S.N.W.T., 1988, Chapter B-4, as amended;

WHEREAS pursuant to Chapter B-6, Section 1 of the revised regulations of the Northwest Territories 1990, a Business that is carried on within any Municipality having Bylaws governing the issuance of business licenses is exempt from the Business License Act;

AND WHEREAS the Council of the Village of Fort Simpson, deems it desirable to license businesses carried on within the Village;

NOW, THEREFORE the Council of the Village of Fort Simpson, in regular session duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Fort Simpson Business License Bylaw".
2. That Bylaw number 322 is hereby repealed.
3. **Definitions**
 - a) "Act" means the Cities, Towns and Villages Act, R.S.N.W.T., 1988, Chapter C-8, as amended;
 - b) "Applicant" means any person who makes an application for any license under the provisions of this Bylaw;
 - c) "Application" means an application submitted by an applicant for a license as prescribed in Schedule "A" to this Bylaw;
 - d) "Charitable or Non Profit Organization" means any religious, charitable, scientific, literary or educational organization which is a registered Canadian charitable organization pursuant to the Income Tax Act of Canada or registered as a non profit organization under the Societies Act, R.S.N.W.T., 1988, Chapter S-11 as amended;

- e) "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 other exempt business as may be prescribed by regulation;
- f) "Canvasser" means any person who solicits orders by telephone, telecopier or other means for the purchase, sale, or trade of merchandise or who offers services for sale or trade;
- g) "Council" means the Council of the Municipal Corporation of the Village of Fort Simpson, Northwest Territories;
- h) "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 his permanent place of business, and offers for sale or trade any merchandise to any person by means of samples, patterns, cuts, blueprints, or merchandise to be afterward delivered in or shipped to the Village but does not include a principal or agent selling to a wholesale or retail dealer in such merchandise;
- i) "Home Occupation" means any business carried on in a residential building by the person who is the occupant and as defined in the Zoning Bylaw of the Village;
- j) "Justice" means any Justice of the Peace, a Judge of the Territorial Court, or a Judge of the Supreme Court of Canada;
- k) "License" means a business license or annual renewal license issued pursuant to this bylaw;
- l) "Licensee" means a person holding a valid license issued pursuant to this Bylaw;
- m) "License Period" means the period between January 1 of the current year and December 31 next thereafter during which a license is issued;
- n) "Non-Conforming Business" means a business conducted as a non-conforming use pursuant to the zoning and planning bylaws of the Village, the Act, or the Planning Act, R.S.N.W.T. 1988, Chapter P-7, as amended;
- o) "Non-Resident Business" means any business which does not maintain a place of business in the Village for a period of at least 183 days of any licensing period;
- p) "Officer" means a Peace Officer pursuant to the Summary Conviction Procedures Act, R.S.N.W.T., 1988, Chapter S-15, as amended;
- q) "Person" means an individual, partnership, corporation, association, or other similar cooperative organization;

- r) "Place of Business" means any premise occupied or capable of being occupied by a person for the purpose of carrying on any business;
- s) "Resident Business" means any business which maintains a place of business within the Village for at least 183 days of any licensing period;
- t) "Seasonal Tourist Business" means any business that operates primarily for the traveling public on a seasonal basis only;
- u) "Senior Administrative Officer" means the Senior Administrative Officer of the Village appointed by Council pursuant to Section 44 of the Act;
- v) "Student Business" means any business owned and operated by a person presently attending an educational institution within the Village;
- w) "Summary Conviction Procedure Act" means Summary Conviction Procedure Act R.S.N.W.T., 1988, Chapter S-15, as amended;
- x) "Trades" means any business that provides a service, performed by a qualified or certified person;
- y) "Village" means the Municipal Corporation of the Village of Fort Simpson, Northwest Territories;
- z) "WCB Certificate" means a Certificate of Compliance or similar document issued annually by the Workers' Compensation Board of Northwest Territories evidencing compliance with the Workers' Compensation Act, R.S.N.W.T., 1988, Chapter W-6 as amended.

4. License Requirements

- a) No person shall carry on or operate a business that is either wholly or partly within the Village unless he or she holds a valid and subsisting license to do so, issued pursuant to this Bylaw. A license will be valid and current from the date of issue for the current year unless sooner terminated;
- b) Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a license for each type of business.

5. Licensing

- a) All persons carrying on or operating a business in the Village shall be required to obtain a license in the class prescribed in Section "8 (a)" of this Bylaw;

Municipal Corporation of the Village of Fort Simpson
BYLAW NO. 485

- b) All persons applying for a license shall make application to the Village by completion of the form set out in Schedule "A" to this Bylaw;
- c) All persons applying for a license 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 had made an application for a license;
- d) ~~All persons applying for a license shall be accompanied by a duly completed "Form One" for Worker's Compensation and no license will be issued without verification and acceptance of "Form One" by the representative of the Worker's Compensation Board;~~ Amended By By-law 627
- e) Any person living in rental accommodation and making application for a license to operate a business, home occupation, in such rental accommodation must present with the application a letter of consent from the agent or landlord of the premise, granting permission to operate a business out of a rented building. Without the written consent of the agent or landlord, no license will be issued;
- f) Persons or groups conducting businesses for charitable purposes require a license, for which there will be no charge;
- g) Where the Senior Administrative Officer rules that an application for a license for a charitable purpose is, in his or her opinion not a charitable purpose, then the Senior Administrative Officer's decision will prevail as final;
- h) ~~That all ^{new} applications or renewals for Home Occupations must be submitted to Council for approval, and that Council may authorize the issue of a license for the current operating year;~~ Amend by By-law 636
- i) All licenses issued to persons to carry on any business shall designate the premise in or on which the licensee may carry on or engage in the business in respect of which the license is issued and the license authorizes the licensee to carry on the licensed business only in or upon the premises designated in such license and a separate license shall be obtained for each such location;
- j) (1) Every person carrying on business without obtaining the approval of the Senior Administrative Officer or his designate as set out in Subsection "5 (k)" is guilty of an offense and will, upon the demand of the Senior Administrative Officer, remove themselves, their wares and vehicle(s) from the property immediately;
- (2) Any person who refuses to remove their business wares and vehicle(s) from the Village owned property when requested to do so by the Senior Administrative Officer will have the business wares and vehicle(s) removed at the owner's expense;

- k) (1) No person will operate a business on public or private property without permission of the owner of the said property;
- (2) If any person is found operating a business without permission of the property owner, the Senior Administrative Officer may have the business wares and vehicle(s) removed at the owner's expense;
- l) No person to whom a license has been granted shall carry on such business in or upon any premises other than those set forth on the said application and license without first making an application pursuant to this Bylaw for a new license;
- m) Failure to disclose to the Village any of this information required herein, shall be grounds for cancellation of the license pursuant to the procedures set forth in Section "18" of this Bylaw;
- n) No license shall furnish false or misleading information regarding any procedure or condition of this Bylaw.

6. Posting of Licenses

- a) All licenses issued pursuant hereto shall be displayed in a conspicuous manner at the place of business to which the license pertains.

7. Compliance

- a) Whenever an applicant for a license has complied with the terms of this Bylaw and of any other applicable Bylaws, the applicant shall be entitled to the license, subject to Section "17", applied for upon payment of the proper fee;
- b) A license issued to a licensee is not valid unless approved by the Senior Administrative Officer or his designate.

8. License Fee

- a) At the time of the Submission of the application for a license, the applicant must pay the appropriate fee for the class of the license being applied for, as set out in Schedule "B" of this Bylaw. For the purpose of this Bylaw, all businesses shall be divided into the following classes:

Resident Business:

- a) Commercial;
- b) Home Occupation;
- c) Student; or
- d) Seasonal Tourist;

Non-Resident:

- a) Commercial; or
- b) Seasonal Tourist;

Other:

- a) Canvasser/Hawker/Pedlar; or
- b) Charitable Organizations;

- b) The fees payable to the Village for a new business requiring a new license issued on or after the 1st day of August in any licensing period shall be one half of the annual license fee set out in Schedule "B";
- c) Payment of the license fee for residents shall be cash, cheque or money order;
- d) Payment of the license fee for non-resident shall be cash, certified cheque or money order;
- e) License fees are to be paid prior to the license being issued, with the quantum of fees payable as listed in Schedule "B".

9. License Amendments

- a) In the event that an applicant or licensee wishes to change any information contained in the application submitted to the Village, whether prior to or after the issue of a license, the applicant or licensee shall make application for such changes to the Senior Administrative Officer and submit therewith the fee as set out in Schedule "B". The Senior Administrative Officer shall consider such application form submitted by the applicant or licensee accordingly. In the event that a license has been issued on the basis of the former application, the license shall be amended accordingly.

10. Advertising

- a) Subject to Section "18", if the Senior Administrative Officer has reasonable and probable grounds to believe that a business's advertising appears to mislead the public with the intent to distribute or sell their wares, the Senior Administrative Officer can revoke the license. Any person believed to have committed an offense under this section shall cease conducting business until the procedures under Section "18" are completed.

11. Trades

- a) The Senior Administrative Officer has the right to ask any applicant to provide proof of Qualification or Certificates that the owner, manager or an employee actively engaged in the company has the proper qualifications for the trades in which the person or company wishes to engage.

12. Canvassers, Hawkers and Pedlars

- a) All canvassers, hawkers and pedlars who are required to be bonded and licensed by the Government of the Northwest Territories, must produce the license prior to having a license issued hereunder;
- b) No license shall be issued to a canvasser, hawker or pedlar until that canvasser, hawker or pedlar has established his or her identity with the Senior Administrative Officer;
- c) Where an applicant intends to have canvassers, hawkers, or pedlars operating under its license, a photocopy of the license shall be issued to each canvasser, hawker, or pedlar;
- d) Every canvasser, hawker and pedlar engaged in business shall carry upon his person the license issued and shall, upon demand, produce the license to an officer or any person to whom goods are offered for sale or trade;
- e) It shall be a condition of every license issued to a canvasser, hawker and pedlar, that business shall only take place between the hours of 0900 hours and 2100 hours on Monday to Sunday inclusive.

13. Home Occupations

- a) In addition to any other licensing requirements, an applicant wishing to carry on business within a residential area must apply directly to Council which must be satisfied that the applicant is in compliance with all applicable legislation, regulations and Bylaws prior to the issuance of a license;
- b) Where a business license has been issued under Section "13 (a)" the license shall indicate a home occupation.

14. Business License Renewals

- a) Business license renewals shall be completed by the fifteenth (15th) day of February in each year;
- b) Provided that a business license renewal application is date-stamped received prior to February 15th and the prescribed fee has accompanied the application, a period of grace, not exceeding one month, shall be granted to any applicant awaiting response from the Worker's Compensation Board;
- c) A late fee, as set out in Schedule "B", shall be assessed against a business that submits a license renewal application after February 15th, in any year;

- d) A license issued pursuant to this Bylaw shall be renewed annually in accordance with this Bylaw by submission to the Village of the application form set out in Schedule "A" hereto prior to the expiry of the current license;
- e) Where an applicant is unable to strictly comply with the terms of any other Bylaws applicable to the business and such non-compliance is of a minor nature, does not involve danger to life or health will not prejudicially affect other persons, a license may be issued to the applicant subject to such conditions as the Senior Administrative Officer may require, the particulars of such conditions to be endorsed thereon.

15. Display of Business License

- a) Every license issued under this Bylaw shall be posted in a conspicuous place within business premises, so that it may be inspected by anyone at a reasonable time;
- b) Every license issued under this Bylaw to a non-resident contractor, service agency, hawker, pedlar or itinerant sales person, shall be carried by the licensee so that it may be inspected by anyone.

16. Business Locations and Offices

- a) All licensed businesses shall have an office and/or a location, the exceptions being outlined in Section "16 (c)";
- b) Any resident may operate one or more businesses from the same office location, provided that the location of each business conforms to the conditions of the Village's Zoning Bylaw;
- c) Where there is an application for a license from a non-resident contractor, service agency, hawker, pedlar or itinerant sales person, that the Senior Administrative Officer may waive the requirement for an office location within the Municipality;
- d) No license shall be issued in which the location of the business has been identified as a vacant lot.

17. Refusal

- a) The Senior Administrative Officer will refuse to issue a license to an applicant who furnishes false or misleading information;
- b) The Senior Administrative Officer may refuse to issue a license to an applicant if the Senior Administrative Officer has reasonable and probable grounds to believe that the business or the applicant does not or will not meet the requirements or conditions set out in this Bylaw;

- c) In every case where an applicant for license has been refused a license that person seeking the license shall be entitled to appeal to Council and Council shall be the final judge of whether the refusal of license was just and reasonable;
- d) Every such appeal shall be made in writing to the Village Office within thirty (30) days after a license has been refused, otherwise the right to appeal shall be barred and forever extinguished;
- e) The Notice of Intention to Appeal shall state in concise fashion the grounds upon which the appeal is based;
- f) Council, after hearing an appeal, may:
 - 1) direct a license be issued without conditions;
 - 2) direct a license be issued with conditions; or
 - 3) uphold the decision of the Senior Administrative Officer on grounds which appear just and reasonable to Council.

18. Revocation and Suspension of Licenses

- a) Notwithstanding Section "20" before a license is suspended or cancelled, the Senior Administrative Officer shall:
 - 1) allow any person affected, or that person's representative, an opportunity to be heard before Council;
 - 2) the hearing must be conducted by Council;
 - 3) notice must be served to any person affected at least three (3) days prior to the date of the hearing;
 - 4) The notice must set out the time and place of the hearing and advise the person of the purpose of the hearing and the right of the person to attend and make representation;
- b) The notice must be served personally or, where service cannot be effected personally because the address of the person is not known, the notice must be posted in three (3) public places in the municipality;
- c) Where the Council, or such other person as may be authorized to take the action referred to, is of the opinion that there is imminent danger to public health and safety:
 - 1) The period of notice required may be shortened; or

- 2) The action may be taken without the notice or hearing required;
- d) An appeal must be made no later than thirty (30) days after the decision;
- e) Subject to Section "18 (c)", no person shall take any action referred to in Section "18 (a)", until after:
 - 1) the period for taking an appeal has expired and no appeal has been taken; or
 - 2) any appeal taken has been dismissed by a judge;
- f) If a licensee is convicted twice in any one (1) calendar year of a breach of any of the provisions of this Bylaw, any license issued to such licensee pursuant to the provisions of this Bylaw will be cancelled subject to the procedures set out in Section "18 (a) and (b)";
- g) The Senior Administrative Officer may recommend a license be suspended or cancelled if the licensee is convicted of:
 - 1) an offense under the Criminal Code with respect to theft, fraud, embezzlement, false pretense and any offense with respect to bawdy houses or betting or gaming houses; or
 - 2) of an offense which by its nature is, in the opinion of the Senior Administrative Officer, facilitated by the type of licensed business carried on by the convicted licensee;
- h) The Senior Administrative Officer may recommended to Council that a license be suspended or cancelled for a specific period or until certain conditions have been met, where he or she is satisfied that:
 - 1) the license was issued or renewed in error; or
 - 2) The provisions of any Bylaws of the Village or any Act of the Northwest Territories have been violated with respect to the operation of any business licensed or of any business required to be licensed.

19. General Provisions

- a) All licenses issued shall expire at midnight on December 31st, in the year the license was issued;
- b) Every license issued pursuant to the provisions of this Bylaw shall be deemed to be subject to the licensee complying with and observing the terms and provisions of all regulations and Bylaws of the Village, including but not limited to zoning, planning, development, health, fire and noise;

- c) Licenses issued under this Bylaw are not transferable and the license fee shall be payable in full by each applicant at the time of application, irrespective of the prospective term of operation of any business;
- d) No refunds shall be made pro-rata or otherwise on any unexpired license due to cessation of business activities by the licensee;
- e) If a license is issued in error, whether due to a misrepresentation or otherwise, the Senior Administrative Officer may advise the license holder that his or her license was issued in error and must be revoked.

20. Powers and Duties of the Senior Administrative Officer

- a) The Senior Administrative Officer of the Village is hereby appointed to carry out the terms of this Bylaw and he or she may appoint officers of the municipality to assist in his or her duties;
- b) The powers and duties of the Senior Administrative Officer under this Bylaw shall be:
 - 1) to receive and deal with all applications for licenses;
 - 2) to prepare and issue all licenses pursuant to this Bylaw;
 - 3) to keep a record of all applications for licenses in a form required by Council of the Village;
 - 4) to keep on file a duplicate counterpart of all licenses issued and particulars thereof;
 - 5) to ascertain, as far as is reasonably practicable, that all information furnished by an applicant in connection with an application for a license is true in substance and in fact;
 - 6) to make an inspection of all premises for which a license is applied for, wherein an inspection by the Senior Administrative Officer is required pursuant to this Bylaw;
 - 7) to administer this Bylaw and as far as is practicable, see that all persons concerned conform to its provisions and to prosecute persons who fail to comply therewith;
 - 8) to report to Council to the number of licenses issued, the number of licenses renewed and the amount of money received in connection therewith from time to time as requested by Council; and

- 9) to carry out the duties of the Senior Administrative Officer with the assistance of any Officers or employees of the Village including any person appointed to enforce the Village Bylaws;
- c) The Senior Administrative Officer may revoke or refuse to issue a license under this Bylaw, subject to the provisions of this Bylaw, where he or she is satisfied that:
- 1) The person has violated the provisions of this Bylaw or an Act of the Northwest Territories in respect to any business licensed or requiring to be licensed under this Bylaw;
 - 2) The person, when licensed as a resident, was not a resident business within the meaning of the definition section of this Bylaw;
 - 3) The public health is not being upheld;
 - 4) The public safety is not being upheld;
 - 5) It is not in the public interest in the discretion of the Senior Administrative Officer.

21. Inspections

- a) The Senior Administrative Officer shall inspect or have inspected any business premises that he or she has reason to believe does not qualify under Section "20" of this Bylaw;
- b) The inspection referred to in Section "21 (a)", is mandatory for business premise where the public frequents;
- c) Any place of business in respect of which a license has been issued shall be subject to inspection at any time during regular hours of business by the Senior Administrative Officer or by any person duly authorized under this Bylaw;
- d) Any person who, after demand for inspection has been made by the Senior Administrative Officer, authorized person or Officer, refuses admittance to a place of business for which such person has charge or control, shall be guilty of an offense.

22. Punishment for Violations

- a) Any person violating any provision of this Bylaw is guilty of an offense and is liable upon Summary Conviction:
 - 1) For a first offense during a licensing period:

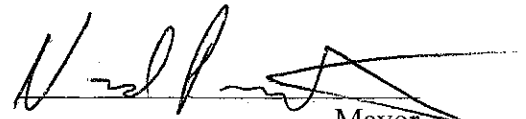
- i) in the case of an individual, to a fine not exceeding five hundred dollars (\$500.00), plus court costs; and
 - ii) in the case of a corporation, to a fine not exceeding one thousand dollars (1000.00), plus court costs; and
 - 2) For each subsequent offense during a licensing period:
 - i) in the case of an individual, to a fine not exceeding five thousand dollars (\$5000.00), plus court costs; and
 - ii) in the case of a corporation, to a fine not exceeding five thousand dollars (\$5000.00), plus court costs; and
 - 3) imprisonment for a period not exceeding six (6) months, in default of payment of any fine imposed;
- b) In the case of an offense contrary to Section "4" herein the justice shall in addition to any other penalty imposed, order payment of the relevant license fees in accordance with the provisions of this Bylaw;
- c) Pursuant to the Summary Conviction Procedures Act, an Officer may issue a Summary Offense Ticket Information to any person who violated any provisions of this Bylaw and such person may, pursuant to the said Act, pay to the Village the voluntary penalty for such offense as set out in Schedule "C" hereto at any time prior to the court date specified in the Summary Offense Ticket Information;
- d) Any person charged with an offense and who is issued a Summary Offense Ticket Information is not required to appear in court in answer to the summons if, within the time stated therein, he or she:
- a) signs the plea of guilty endorsed on the summons; and
 - b) delivers the summons and the specified penalty to the place stated on the summons;

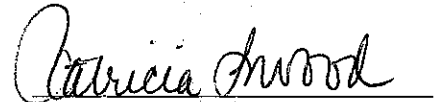
and upon so doing the person charged shall be deemed to be convicted of the offense charged.

23. Schedule "A", "B" and "C" referred to herein and attached hereto form part of this Bylaw.
24. Upon this Bylaw coming into full force and effect, all current valid business licenses shall continue in effect to December 31st, 1997.

Municipal Corporation of the Village of Fort Simpson
BYLAW NO. 485

READ a First Time this 1st day of December A.D., 1997.


Mayor


Senior Administrative Officer

READ a Second Time this 15th day of December A.D., 1997.

READ a Third and Final Time this 15th day of December A.D., 1997.


Mayor


Senior Administrative Officer

SCHEDULE "A"
Application for a Business License

Date of Application: _____ New Application: _____ Renewal: _____
(Check one)

1. Name of Applicant: _____
(Surname) (First)

2. Name of Business: _____

3. Business Civic Address: _____

4. Mailing Address: _____

5. Location of Business: Lot No.: _____ Plan No.: _____

6. Zoning: _____

7. Telephone Number of Business: _____

8. Type of Business - Check One Box Only

Resident Commercial _____ Home Occupation _____

Student _____ Seasonal Tourist _____

Non-Resident Commercial _____ Seasonal Tourist _____

Other Canvasser/Hawker/Pedlar _____ Charitable Organizations _____

9. Particulars of Occupation, Trade, Calling or Business to which this application will apply:

10. Date of Commencement (if New or Non-Resident): _____

11. Number of Owner Employees: Full Time: _____ Part Time: _____

Number of Employees: Full Time: _____ Part Time: _____

12. I, _____, hereby make application for a license in accordance with the particulars as above stated and certify that the number of persons employed in the said business will be _____ (or _____ person-years), and that the necessary verification has been received in accordance with the provisions of the Worker's Compensation Act: Form 1 attached. Worker's Compensation Account #: _____.

Signature of Applicant for:

Name of Business

13. A penalty of \$25.00 shall be assessed against a business that submits a business license renewal application after February 15th.

14. Licenses are not transferable. Separate application forms shall be submitted for each class or place of business for which a license is required.

15. Fee: \$ _____ Section: _____

16. License Approved: _____ Date: _____

SCHEDULE "B"

Resident Business

Commercial	\$100.00
Home Occupation	\$125.00
Student	\$1.00
Seasonal Tourist	\$50.00

Non-Resident

Commercial	\$250.00
Seasonal Tourist	\$250.00

Other

Canvasser/Hawker/Pedlar	\$250.00
Charitable Organizations	N/C
License Amendment	\$25.00
Late Fee	\$25.00

Note: Any new business application submitted to the Village after August 1st will cost one half of the regular price.

SCHEDULE "C"

Voluntary Fines

Operating a Business without a valid license [s. 4 (a)]	\$100.00
Failing to post a Business License [s. 6 (a)]	\$100.00
Failing to produce a Business License upon demand [s. 21 (d)]	\$100.00