

**TOWN OF INUVIK
BY-LAW #2630/L+P/19**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE LICENCING, REGULATING AND CONTROLLING OF BUSINESSES OPERATING WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF INUVIK

PURSUANT TO the *Cities, Towns and Villages Act* of the Northwest Territories, S.N.W.T. 2003, c. 22 as amended;

WHEREAS it is deemed desirable and necessary that the Town licence, regulate and control businesses within the Town of Inuvik municipal boundaries;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Inuvik, in Council duly assembled, enacts as follows:

1.0 SHORT TITLE

1.1 This by-law may be cited as the “**Business Licence By-law**”.

2.0 INTERPRETATION

- 1) “**Applicant**” means any person who makes an application for a business licence or renewal under the provisions of this by-law.
- 2) “**Application**” means a written application for a business licence or renewal thereof required under this by-law.
- 3) “**Business**” means
 - a) a commercial, merchandising or industrial activity or undertaking;
 - b) a profession, trade, occupation, calling or employment; or
 - c) an activity providing goods and services;whether for profit or not for profit and however organized or formed, including a co-operative association of persons.
- 4) “**Business Licence**” means a licence issued by the Senior Administrative Officer pursuant to this by-law for the purpose of allowing a business to operate within the Town of Inuvik.
- 5) “**Business Premises**” means any store, office, warehouse, dwelling, factory, building, enclosure, yard or other place occupied or capable of being occupied for the purpose of any business.
- 6) “**Cannabis**” means a cannabis plant and anything referred to in Schedule 1 of the *Cannabis Act* (Canada) but does not include anything referred to in Schedule 2 of that Act.
- 7) “**Cannabis Retail Store**” means a cannabis store operated by a vendor where cannabis is sold or marketed to a person who attends the premises.
- 8) “**Cannabis Production and Manufacturing Facility**” means a premises used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by the Federal Minister of Health.
- 9) “**Canvasser**” means any person whether a resident of the town or not, who solicits orders by telephone, fax machine or other means for the purchase, sale or trade of merchandise or who offers a service for sale or trade by such means.

- 10) **“Charitable Objectives or Purposes”** includes objectives or purposes which:
 - i) promote the advancement of culture, religion, recreation or education; or
 - ii) are of a charitable nature and are beneficial to the community as a whole
- 11) **“Charitable Organization”** means an organization or foundation that carries out charitable objectives or purposes, such as one of the following:
 - i) an organization registered as a charitable organization under the Federal *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp), as amended;
 - ii) an organization registered for a charitable purpose under the Northwest Territories *Societies Act*, R.S.N.W.T. 1988, c. S-11, as amended;
 - iii) an organization which performs services for the public good or welfare without profit and includes any organization designated by the Town; or
 - iv) an organization in operation in the Town for at least one (1) year or at the discretion of Council.
- 12) **“Council”** means the Council of the Municipal Corporation of the Town of Inuvik.
- 13) **“Direct Seller”** means a business engaged in directing, managing or coordinating the distribution or sale of goods or services for future delivery, including food products, where one or more agents including the licensee carry on business at a location other than the licensee’s premises, and includes the offer or exposure for sale to any person by means of samples, drawings, pictures, patterns, cuts or blueprints, merchandise or a service, or both, to be afterwards delivered in and shipped into town.
- 14) **“Hawker/Peddler”** 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 or offers to expose for sale to any person by means of samples, patterns, cuts or blueprints, merchandise to be afterward delivered in or shipped to the Town; but does not include a principal or agent selling to a wholesale or retail dealer.
- 15) **“Home Occupation”** shall have the meaning attributed to it in the Town of Inuvik Zoning By-law.
- 16) **“Licensee”** means the holder of a valid and subsisting business licence issued pursuant to the provisions of this by-law.
- 17) **“Non-resident Business”** means a business carried on in whole or in part within the Town, but which neither maintains a permanent place of business within the Town nor is listed in any current municipal property tax assessment roll.
- 18) **“Peace Officer”** means any By-law Enforcement Officer of the Town of Inuvik, or any RCMP officer.
- 19) **“Person”** has the meaning given to it in the *Interpretation Act*.
- 20) **“Private Home Accommodation”** means licensed visitor accommodation in a one-unit or a two-unit dwelling for transient paying guests on a short-term basis operated as a home occupation.
- 21) **“Public Place”** means, but is not limited to, any public highway, roadway, laneway, sidewalk, courtyard, passage, alley, parking lot, park, parkland, woodland, building or other place or structure in the Town of Inuvik to which the public reasonably has or is permitted to have access, whether for payment or not, and which is under the care, ownership or control of the Town of Inuvik.
- 22) **“Renew or Renewal”** means, in respect of a business licence, a licence issued to a business for a second or subsequent concurrent term.

- 23) **“Resident Business”** means any person carrying on a business as defined under this by-law, and establishing a permanent office and/or location of operation within the corporate limits of the Town of Inuvik in the Northwest Territories.
- 24) **“Student Business”** includes any business operated by a person under the age of twenty-one (21) years presently attending an educational institution or enrolled in an ongoing educational program.
- 25) **“Senior Administrative Officer”** means the Senior Administrative Officer of the Municipal Corporation of the Town of Inuvik.
- 26) **“Town”** means the Municipal Corporation of the Town of Inuvik in the Northwest Territories.

3.0 GENERAL PROVISIONS

- 3.1 The Senior Administrative Officer is hereby authorized to:
 - a) issue business licences;
 - b) require the payment of such fees for issuance; and,
 - c) regulate the conduct of businesses in the Town pursuant to the provisions of this by-law.
- 3.2 No person shall carry on or operate a business that is either wholly or partly within the Town unless he or she holds a valid and subsisting business licence to do so, issued pursuant to this by-law. A business licence will be valid and current from the date of issue for the current year unless sooner terminated.
- 3.3 Every application for a business licence under this by-law, including for renewal or transfer, shall be duly completed on a form established by the Town and shall be submitted to the Senior Administrative Officer together with the following:
 - a) the appropriate fee prescribed in the Town of Inuvik Fees and Charges Policy; and,
 - b) all other such permits or approvals as may be required by the Town of Inuvik to ensure that the requirements under this by-law are met.
- 3.4 Upon being satisfied that an application is in compliance with this by-law, and that the applicant is entitled to the business licence applied for, the Senior Administrative Officer shall issue the business licence to the applicant.
- 3.5 Unless expressly granted for a shorter period, every business licence issued under this by-law shall be current and have effect from the date of its issuance until the 31st day of December next following or until revoked, whichever occurs first.
- 3.6 Every charitable organization conducting a business in the Town shall require a valid and subsisting business licence but shall be exempt from the fees provided for in the Town of Inuvik Fees and Charges Policy.
- 3.7 Business conducted by individual persons for a period of not more than two times per year and as part of an event operated by a charitable organization, or an event organized by the Town of Inuvik, shall be exempt from the licensing requirements and fees established by this by-law.
- 3.8 Every business licence issued pursuant to this by-law shall, during its currency, be posted in a conspicuous place in the business premises of the licensee.
- 3.9 A business licence renewal must be completed and approved prior to the business licence's expiry date.
- 3.10 Any person engaged in or carrying on one or more different businesses, either separately or together, shall be required to hold a business licence for each business.

- 3.11 All business licences issued to persons to carry on any business shall designate the premises in or on which the licensee may carry on or engage in the business in respect of which the business licence is issued and the business licence authorizes the licensee to carry on the licensed business only in or upon the premises designated in such business licence and a separate business licence shall be obtained for each location.
- 3.12 No person will operate a business on public or private property without permission of the owner of said property.
- 3.13 The Senior Administrative Officer shall cause to be kept a record of all applications for business licences and all business licences issued by the Town.
- 3.14 Every business licence issued pursuant to this by-law shall, during its currency, be produced on demand for inspection by the Senior Administrative Officer or a Peace Officer.
- 3.15 Where a licensee changes their business name or address, they shall forthwith notify the Town in writing of the change and provide the Senior Administrative Officer with such proof of the change as may be required and the Senior Administrative Officer may amend the business licence to reflect the change.

4.0 LICENCE APPLICATIONS

- 4.1 An application shall not be valid unless made by the owner or owner(s) of the business or an applicant who will be the owner or owners of a proposed business, or by a duly authorized agent of such owner or owners, and the Senior Administrative Officer may require a statutory declaration to be sworn as proof of such agency.
- 4.2 An application shall not be complete and a business licence shall not be issued until the fees provided for in the Town of Inuvik Fees and Charges Policy are received by the Town.
- 4.3 Business licence fees are non-refundable.
- 4.4 Where an applicant operates or intends to operate a business at a specific business premises or location in town, such applicant shall be the owner of such business premises or location or shall provide to the Senior Administrative Officer proof of a valid lease for such business premises or location.
- 4.5 The applicant shall provide with the application form any information required by this by-law or by the Senior Administrative Officer to establish compliance with this by-law.

5.0 ELIGIBILITY FOR LICENCING

- 5.1 Subject to section 5.2, no business licence shall be issued until such time as the applicant holds such permits and approvals as may be required by Federal or Territorial Law including, but not limited to, land use development, fire code and building code permits and approvals, and copies of all such licences, permits and approvals shall be provided to the Senior Administrative Officer by the Applicant at the time of application and, without limiting the scope and generality of the forgoing, such permits and approvals specifically include those required by the Zoning By-law.
- 5.2 Despite section 5.1, a business licence may be issued if the Senior Administrative Officer is satisfied that:
 - a) one or more required permits or approvals cannot be issued until the applicant has obtained a business licence under this by-law; and
 - b) the applicant will, immediately following issuance of a business licence, take the steps necessary to obtain the required permits.

5.3 If an applicant is issued a business licence pursuant to section 5.2, the applicant shall forthwith provide the Senior Administrative Officer copies of any required permits obtained following the issuance of a business licence. Failure to provide copies of such permits may result in the business licence being revoked.

6.0 REVOCATION, SUSPENSION AND CANCELLATION

6.1 The Town may refuse to issue a business licence to an applicant who furnishes false or misleading information.

6.2 The Senior Administrative Officer may refuse to issue or renew a business licence, may suspend or cancel a business licence and may impose any conditions on a business licence for any of the following reasons:

- a) the applicant or licensee does not or no longer meets the requirements of this by-law;
- b) the applicant or licensee or, in respect of the business only, any of its officers or employees:
 - i) furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the Senior Administrative Officer;
 - ii) the Senior Administrative Officer has reasonable grounds to believe that a contravention of this or any other by-law of the Town of Inuvik has occurred, whether or not the contravention has been adjudicated;
 - iii) fails to pay a fine resulting from a contravention of any Town by-law;
 - iv) fails to pay any fee required by this by-law; or
- c) if the Senior Administrative Officer has reasonable grounds to believe that it is in the public interest to do so.

6.3 The licensee of any business who operates, undertakes or allows to be operated or undertaken such business contrary to the conditions established pursuant to this bylaw in respect of such business is guilty of an offence and upon conviction is liable for the penalties set out in Schedule A attached to and forming part of this by-law.

6.4 The licensee of any business who operates or allows to be operated or undertaken such business when the business licence in respect of such business has been suspended or revoked, is guilty of an offence and upon conviction is liable for the penalties set out in Schedule A attached to and forming part of this by-law.

6.5 A suspension of a business licence as provided for in this section may be:

- a) for a period not exceeding the unexpired term of the business licence; and,
- b) where the suspension is for non-compliance with the provisions of this or any other Town of Inuvik by-law, until the holder of the suspended licence complies with that by-law.

6.6 When a suspension of a business licence pursuant to section 6.6 extends to the date of expiry of such business licence, such business licence shall not be re-issued except if it is the subject of an application meeting all the requirements of this by-law.

7.0 NOTICE

7.1 Before refusing to issue or renew a business licence, and before a business licence is suspended or cancelled or conditions are imposed, other than conditions imposed by this by-law, the Senior Administrative Officer shall provide the applicant or the licensee:

- a) notice in writing of the proposed refusal, suspension or cancellation or the proposed conditions with reasons; and,

- b) an opportunity to make written representations to the Senior Administrative Officer.

8.0 DECISION

8.1 If a decision is made to refuse issuance or renewal of a business licence, to suspend or cancel or to impose conditions on a business licence, other than conditions imposed by this by-law, written notice of the decision, which shall include reasons, may be served on the applicant or licensee:

- a) in person on the applicant or licensee or any of its officers or employees; or,
- b) by ordinary mail to the address in the application or in the records of the Town for the licensee.

8.2 After service of a notice pursuant to section 7.0:

- a) the suspended or revoked business licence shall be surrendered to the Senior Administrative Officer; and,
- b) the business specified in the notice shall not be carried on until such time as a suspended business licence is reinstated or a revoked business licence is reissued.

9.0 NON-RESIDENT BUSINESSES

9.1 Every non-resident business engaging in business in the town shall apply for a business licence issued by the Senior Administrative Officer pursuant to the provisions of this by-law and shall pay the business licence fee established in the Town of Inuvik Fees and Charges Policy.

10.0 INSPECTIONS

10.1 The Senior Administrative Officer is hereby authorized to inspect at all reasonable times, or to delegate inspections to a Peace Officer, the land, lot and improvements where the Senior Administrative Officer has reasonable grounds to believe a business which requires a business licence is being carried on or operated with or without a business licence.

10.2 No person shall prevent, obstruct or hinder the Senior Administrative Officer or Peace Officer in the course of an inspection pursuant to this by-law.

11.0 REVIEWS AND APPEALS

11.1 Where an application or a fee exemption has been refused, a business licence revoked or suspended, a condition or conditions attached to a business licence, or a business assigned to a business category, the applicant in question may require the Senior Administrative Officer to review such refusal, revocation, suspension, attachment or assignment by submitting to the Senior Administrative Officer in writing a request for such review not more than ten (10) business days after such refusal, revocation, suspension, attachment or assignment is sent to the applicant.

11.2 Where the Senior Administrative Officer is in receipt of a request for a review pursuant to section 11.1, they shall conduct such review within five (5) business days of such receipt of the request and on completion of their review:

- a) may direct an application to be accepted and a business licence be issued;
- b) may direct a fee exemption be provided;
- c) may confirm the refusal, revocation or suspension of a business licence;
- d) may reinstate a revoked business licence;

- e) may vary or remove a suspension;
- f) may confirm, vary or remove conditions; or
- g) may vary or confirm an assignment.

The Senior Administrative Officer shall advise the applicant in writing of their decision and the reasons for it not less than five (5) business days after the conclusion of their review.

- 11.3 Every refusal, revocation, suspension, attachment of conditions, or assignment which is the subject of a review by the Senior Administrative Officer shall remain in effect during such review and until or unless varied or removed by the Senior Administrative Officer.
- 11.4 An Applicant who makes a request pursuant to section 11.1 may appeal to Council a decision of the Senior Administrative Officer pursuant to section 11.2 by submitting to Council in writing a request for such appeal not more than ten (10) days after delivery by the Senior Administrative Officer of notification of their decision pursuant to section 11.2.
- 11.5 Where Council is in receipt of an appeal pursuant to section 11.4, it shall within 21 days of such receipt convene an appeal hearing to which the Applicant shall be invited in writing and upon conclusion of such appeal shall within five (5) business days notify the applicant in writing of its decision to:
- a) direct an application be accepted and a business licence be issued;
 - b) direct a fee exemption be provided;
 - c) confirm the refusal, revocation or suspension of a business licence;
 - d) reinstate a revoked business licence;
 - e) vary or remove a suspension;
 - f) confirm, vary or remove conditions; or,
 - g) vary or confirm an assignment.
- 11.6 Where Council is in receipt of an appeal pursuant to section 11.4, the Senior Administrative Officer's decision pursuant to section 11.2 shall remain in effect during such appeal and until Council has delivered notification of its decision pursuant to the requirements of section 11.5.

12.0 OFFENCES

- 12.1 A person who contravenes this by-law is guilty of an offence.
- 12.2 Every day during which a person engages in or undertakes a business contrary to the provisions of this by-law shall constitute a new offence and the person doing so is liable upon conviction for the penalties set out in Schedule A attached to and forming part of this by-law.
- 12.3 No person shall on land in the Town designated Residential Zone in the Zoning By-law engage in or undertake the business of renting or offering for rent private home accommodation by the night unless such person is in possession of a valid and subsisting business licence issued by the Senior Administrative Officer in respect of such accommodation which shall specify which portions of the dwelling on such land are to be used for such purpose and any person so doing and the person renting or offering for rent accommodation other than that specified in the business licence is guilty of an offence and upon conviction is liable for the penalties set out in Schedule A attached to and forming part of this by-law.
- 12.4 For the purposes of this by-law, an act or omission by an employee or agent of a person is deemed to also be an act or omission of the person if the act or omission occurred in

the course of the employee's employment with the person or in the course of the agent's exercising powers or performing the duties on behalf of the person under their agency relationship.

12.5 Every person who is guilty of an offence under this by-law is liable on summary conviction:

- a) in the case of a corporation, to a fine not exceeding ten thousand dollars (\$10,000.00); or
- b) in the case of an individual, to a fine not exceeding two thousand dollars (\$2,000.00), or to imprisonment for a term of not more than six (6) months in default of payment of the fine.

12.6 Pursuant to the *Summary Conviction Procedures Act*, a Peace Officer may issue a Summary Offence Ticket Information to any person who violates any provision of this by-law.

13.0 EXEMPTION

13.1 The following persons or groups shall be exempt from the application of this by-law:

- a) a charitable organization as defined under this by-law;
- b) a student business; and
- c) persons or groups approved as vendors at the Arctic Market or at any other market operated by the Town of Inuvik, as designated by the Senior Administrative Officer.

13.2 Persons or groups that are exempt are still required to apply for a business licence as per the provisions of this by-law.

14.0 SEVERABILITY

14.1 If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

15.0 REPEAL

15.1 By-law 1878/L+P/01 and any previous business licence by-laws are hereby repealed.

16.0 COMING INTO FORCE

16.1 This by-law will come into effect upon the day of its final passage.

READ A FIRST TIME THIS 27TH DAY OF MARCH, 2019 A.D.


READ A SECOND TIME THIS 27TH DAY OF MARCH, 2019 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF APRIL, 2019 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Town of Inuvik.


SENIOR ADMINISTRATIVE OFFICER

SCHEDULE A

FINES

SECTION	OFFENCE	AMOUNT
s. 3.2	Engage in or undertake Business in the Town while not in possession of a valid or subsisting Business Licence in respect of such Business	1 st offence - \$250.00 2 nd and subsequent offences within 1 calendar year - \$500.00
s. 3.8	Failure to post Business Licence	\$100.00
s. 6.3	Operating a business in violation of the conditions for that business	1 st - \$250.00 2 nd - \$500.00
s. 6.4	Engage in or undertake Business in the town when the Business Licence issued in respect of such Business has been revoked or suspended by the Senior Administrative Officer	1 st - \$500.00 2 nd - \$1,000.00
s. 7.1	Engage in or undertake Business in the Town contrary to conditions established by the Senior Administrative Officer	1 st offence - \$250.00 2 nd and subsequent offences within 1 calendar year - \$1,000.00
s. 10.2	Obstructing a Peace Officer in the performance of their duty	\$500.00
s. 12.3	Engage in or undertake the Business of renting or offering for rent Private Home Accommodation without a valid Business Licence	1 st - \$250.00 2 nd - \$500.00
	Any offence for which a specified penalty is not provided in this by-law	1 st offence - \$250.00 2 nd and subsequent offences within 1 calendar year - \$500.00